



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



Bruce W. McClendon FAICP
Director of Planning

February 12, 2007

Honorable Board of Supervisors
County of Los Angeles
Kenneth Hahn Hall of Administration, Room 383
500 West Temple Street
Los Angeles, CA 90012

**PROJECT NO. R2004-00269-(2)
CONDITIONAL USE PERMIT CASE NO. T200400016-(2)
PETITIONER: ROBERT LA GRONE
2408 RANCHO WAY, RANCHO DOMINGUEZ
DEL AMO ZONED DISTRICT
SECOND SUPERVISORIAL DISTRICT (3-VOTE)**

Dear Supervisors:

IT IS RECOMMENDED THAT THE BOARD AFTER THE PUBLIC HEARING:

1. Indicate its intent to Uphold the appeal of Project No. R2004-00269-(2) and Conditional Use Permit Case T200400016-(2) as recommended by the Regional Planning Commission.
2. Instruct County Counsel to prepare the necessary findings to Uphold the Appeal of Project No. R2004-00269-(2) and Conditional Use Permit Case T200400016-(2).

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

- The applicant, Thompson Media Company, filed a Conditional Use Permit application to authorize the placement of a billboard on an existing industrial building located at 2408 Rancho Way, in the unincorporated community Rancho Dominguez. The subject property is owned by Aljert Properties. Aljert properties leased a space on the site to Thompson Media for placement of a billboard.

- The Hearing Officer approved the request on August 2, 2005. The approval authorized the placement of a double-faced billboard, 672 square feet in sign area, on the subject property.
- A clause within the existing Covenant, Conditions and Restrictions (CC&Rs) on the subject property prohibits the placement of a billboard on the property for off site advertisement purposes.
- Awareness of this clause in the CC&Rs, and agreement to delay the construction of the billboard, was acknowledged between the owner of the subject property and the applicant in an Amendment to Lease executed on June 17, 2005. This agreement calls for the lessee, the Thompson Media Company, to delay construction until one of the following actions occur: 1) the revocation of the CC&Rs; 2) amendment to the clause to eliminate the billboard restriction in the CC&Rs, and, 3) legal determination that the property is not governed by the CC&Rs, so as to allow placement of the billboard.
- The agreement in the Amendment to Lease between the property owner and the applicant was not submitted to the Hearing Officer prior to his decision to approve the billboard,
- In response to issues regarding the billboard restriction in the CC&Rs and the Amendment to Lease, Donald and Mary La Force, adjacent property owners, appealed the Hearing Officer's approval to the Regional Planning Commission. The subject property and the property owned by Donald and Mary La Force are governed by the same CC&Rs. A duly noticed public hearing on this matter was held on November 30, 2005.
- Information regarding the amendment was provided to the Commission at the November 30, 2005 hearing. County Counsel advised the Commission that while the Commission is not required to consider the CC&Rs regarding its land use decision, the Commission is not prohibited from giving it consideration. After hearing testimony the Commission determined that matters concerning the Amendment to the lease agreement should have been resolved prior to the hearing. The Commission reversed the Hearing Officer's decision and upheld the appeal.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The Commission action does not conflict with the County's Strategic Plan Goals. .

FISCAL IMPACT/FINANCING

Upholding the appeal to the aforementioned conditional use permit should not result in any new costs to the County or to the Department of Regional Planning; no request for financing is being made.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The applicant, Thompson Media Company, filed a Conditional Use Permit application to authorize the placement of a billboard on an existing industrial building located at 2408 Rancho Way, in the unincorporated community Rancho Dominguez. The property is owned by Aljert Properties. Aljert properties leased space on the site to Thompson Media for the placement of a billboard. The zoning on the subject property is M-2 (Heavy Manufacturing) and prevailing land use within 500 feet of the subject property consists of industrial and warehouse use. The billboard request was approved by the Hearing Officer on August 2, 2005. The approval authorized the placement of a double-faced billboard, 672 square feet in sign area, on the subject property.

The Hearing Officer approval was appealed by Donald and Mary La Force, property owners adjacent to the subject property. A duly noticed public hearing on this matter was held on November 30, 2005. At the Commission hearing it was determined that a clause within the existing Covenant, Conditions and Restrictions (CC&Rs) on the subject property prohibits the placement of a billboard on the property for off site advertisement purposes. The awareness of this clause in the CC&Rs, and agreement to delay the construction of the billboard, was acknowledged between the owner of the subject property and the applicant in an Amendment to Lease executed on June 17, 2005. This agreement required the lessee, the Thompson Media Company, to delay construction until one of the following actions occur: 1) the revocation of the CC&Rs; 2) amendment to the clause to eliminate the billboard restriction in the CC&Rs, and, 3) legal determination that the property is not governed by the CC&Rs, so as to allow placement of the billboard.

Information regarding the amendment was provided to the Commission at the November 30, 2005 hearing. County Counsel advised the Commission that while the Commission is not required to review the CC&Rs regarding its land use decision, the Commission is not prohibited from giving them consideration. After hearing testimony the Commission determined that matters concerning the Amendment to the lease agreement should have been resolved prior to the hearing. The Commission reversed the Hearing Officer's decision and upheld the appeal.

ENVIRONMENTAL DOCUMENTATION

The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA). As the subject industrial building is an existing facility and the proposed sign is relatively small, the proposal is within a class of projects which have been determined not to have a significant effect on the environment. The project meets the criteria set forth in section 15301 of the state CEQA Guidelines and Class 3 of the County Environmental Document Reporting Procedures and Guidelines, Appendix G.

IMPACT ON CURRENT SERVICES

Action on the proposed conditional use permit is not anticipated to have impacts on current services.

Respectfully Submitted,

DEPARTMENT OF REGIONAL PLANNING
Bruce W. McClendon, FAICP
Director of Planning



Frank Meneses, Administrator
Current Planning division

FM: RJF: RS

Attachments: Commission Letter of Denial, Commission Staff report and Attachments, Factual

C: Chief Administrative Officer
County Counsel
Assessor
Director, Department of Public Works



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



James E. Hartl AICP
Director of Planning

June 20, 2006

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Robert La Grone
18416 N. Cave Creek Rd., Ste. 1041
Phoenix, AZ 85032

**SUBJECT: PROJECT NO: R2004-00269-(2)
CASE NO: RCUPT 200400016-(2)
2408 RANCHO WAY, RANCHO DOMINGUEZ
NOTICE OF DECISION BY REGIONAL PLANNING COMMISSION TO
REVERSE APPROVAL OF HEARING OFFICER**

Dear Applicant:

This is to inform you of the decision by the Regional Planning Commission to reverse the Hearing Officer's approval, on August 1, 2005, of Conditional Use Permit Case Number 200400016-(2). The Regional Planning Commission, at the appeal hearing on November 30, 2005, rendered its decision to reverse the Hearing Officer's approval based upon the following findings:

1. A clause within the existing Covenant, Conditions and Restrictions (CC&R's) on the subject property prohibits the placement of a billboard on the property for off site advertisement purposes. Awareness of this clause in the CC&R's, and agreement to delay the construction of the billboard, was acknowledged between the owner of the subject property and the applicant in an Amendment to Lease executed on June 17, 2005. This agreement calls for the lessee, the Thompson Media Company, to delay construction until one of the following actions occurs:
 - The revocation of the CC&R's;
 - Amendment to the clause prohibiting the billboard;
 - Legal determination that the property is not governed by the CC&R's, so as to allow the placement of the billboard.
2. This agreement in the Amendment to Lease between the property owner and the applicant was not submitted to the Hearing Officer prior to his decision to approve the billboard, and was only made known to the Commission at the appeal hearing.

The Commission based its decision on the grounds that the agreement in the Amendment to Lease was not made known to the Hearing Officer.

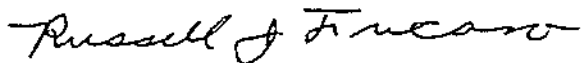
The **APPLICANT** or **ANY OTHER INTERESTED PERSON** may **APPEAL** the Regional Planning Commission's decision to the Board of Supervisors through the office of Violet Varona-Lukens, Executive Officer, Room 383, Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California, 90012. Contact the Executive Office for the necessary forms and the amount of the appeal fee at (213) 974-1426. The appeal must be postmarked or delivered in person within **EIGHT** days after this notice is received by the applicant.

If no appeal is made during this eight-day period, the Regional Planning Commission's decision is final.

If you have any questions, contact Rudy Silvas at (213) 974-6461 Monday through Thursday from 7:30 am to 6:00 pm, or by email at rsilvas@planning.co.la.ca.us. Our offices are closed on Fridays.

Sincerely,

DEPARTMENT OF REGIONAL PLANNING
James E. Hartl, AICP
Acting Director of Planning



Russell J. Fricano, Ph.D., AICP
Section Head, Zoning Permits II Section

RJF:RS

RPC MEETING DATE
November 30, 2005

AGENDA ITEM NO.
7

REGIONAL PLANNING COMMISSION TRANSMITTAL CHECKLIST

PROJECT NO: R2004-00269-(2)

CASE NO: Conditional Use Permit 2004-00016-(2)

CONTACT PERSON: Rudy Silvas

- ☒ MEMO TO COMMISSIONERS
- ☒ FINAL LETTER OF APPROVAL
- ☒ STAFF REPORT
- ☒ FINDINGS AND CONDITIONS FOR APPROVAL
- ☒ BURDEN OF PROOF STATEMENT
- ☒ LETTER OF APPEAL
- ☒ THOMAS BROTHERS MAP (Identifying Subject Property)
- ☒ LAND USE MAP, 500' RADIUS
- ☒ SITE PLAN
- ☒ PHOTOGRAPHS
- ☒ CORRESPONDENCE
- ☒ FACTUAL
- ☐ PREVIOUS CASES
- ☒ GIS NET MAP

Reviewed By: Russell J. Truscamp



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



November 22, 2005

James E. Hartl AICP
Director of Planning

TO: Wayne Rew, Chair
Pat Modugno, Vice Chair
Esther L. Valadez, Commissioner
Leslie G. Bellamy, Commissioner
Harold V. Helsley, Commissioner

FROM: Russell J. Fricano, PhD., AICP, Section Head *RJF*
Zoning Permits II

**SUBJECT: APPEAL TO REGIONAL PLANNING COMMISSION OF APPROVAL OF
CONDITIONAL USE PERMIT CASE NO. 2004-00016**

Since the originally scheduled hearing for this case on October 5, 2005, Staff and County Counsel have revisited the subject matter pertaining to the approval of projects which involve covenants, conditions and restrictions. In this case, the Hearing Officer approved Conditional Use Permit No. 2004-00016 on August 1, 2005, authorizing a 14' X 48' (672 sq. ft.) double-faced billboard for outdoor advertising on the subject property at 2408 Rancho Way in Rancho Dominguez, over the objections of the adjacent property owners of 2417 E. Rancho Del Amo Place who provided a copy of the covenant clearly prohibiting the placement of such billboards on the premises for offsite advertising purposes.

Staff, under the advisement of County Counsel, is currently searching for the original Parcel Map No. 725 which has Lots 2 and 3 of the subject property, and Lot 5 of the appellant's property within its boundaries. These lots are all covered under the covenants, conditions and restrictions in question; County Counsel and Staff are attempting to determine whether or not the covenant, conditions and restrictions were recorded in the original conditions of approval for the Parcel Map.

Recommendation

Staff recommends that the Commission consider any additional information that staff may provide at the November 30, 2005 public hearing. If the Commission is satisfied with the information provided and feels this matter has been adequately addressed, staff has prepared the following motion:

I MOVE TO CLOSE THE PUBLIC HEARING AND FOR THE COMMISSION TO EXPRESS ITS INTENT TO APPROVE CONDITIONAL USE PERMIT CASE NUMBER 2004-00016-(2) AND FOR STAFF TO PREPARE FINDINGS AND CONDITIONS AND THE FINAL ENVIRONMENTAL DOCUMENT.

If the Commission determines that additional time is needed for additional information or resolution of this issue, then staff recommends a continuation of the public hearing. Staff has prepared the alternative motion:

IN ORDER TO PROVIDE ADDITIONAL TIME TO ADDRESS ISSUES RELATED TO
CONDITONAL USE PERMIT NO. R2004-00016-(2), I MOVE THAT THE REGIONAL
PLANNING COMMISSION HEARING BE CONTINUED TO__, 2006 TO BE HELD IN THE
REGIONAL PLANNING COMMISSION HEARING ROOM 150 AT 320 WEST TEMPLE
STREET IN DOWNTOWN LOS ANGELES AND FOR STAFF AND THE APPLICANT TO
REPORT BACK ON ISSUES AS REQUESTED BY THE COMMISSION.

If you have any further questions, feel free to contact Rudy Silvas at (213) 974-6461.
Department office hours are Monday through Thursday, from 7:00 a.m. to 6:00 p.m. The
Department is closed on Friday.

RJF: RS



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



September 29, 2005

James E. Hartl AICP
Director of Planning

TO: Wayne Rew, Chair
Pat Modugno, Vice Chair
Esther L. Valadez, Commissioner
Leslie G. Bellamy, Commissioner
Harold V. Helsley, Commissioner

FROM: Rudy Silvas, Principal Planner
Zoning Permits II Section

RS

**SUBJECT: APPEAL TO REGIONAL PLANNING COMMISSION OF APPROVAL OF
CONDITIONAL USE PERMIT CASE NO. 2004-00016**

The appellants Donald J. and Mary J. La Force, who are non-applicants and own property at 2417 E. Rancho Del Amo Place, contiguous to the subject property at 2408 Rancho Way in Rancho Dominguez, are appealing the decision of the Hearing Officer that approved Conditional Use Permit No. 2004-00016, authorizing a 14' X 48' (672 sq. ft.) double-faced billboard for outdoor advertising, to the Regional Planning Commission for review. The appellants, represented by Larry D. Mikelson, Attorney at Law, have indicated that the approval of the billboard was in violation of existing Covenant, Conditions and Restrictions that have been recorded over the subject property. The appellants believe the project constitutes a private nuisance.

The approval in question was signed by the Hearing Officer on this case on August 1, 2005. The applicant's representative, Robert La Grone, received the Final Letter of Approval with Findings and Conditions of Approval on August 8, 2005. The appellants, through their attorney, submitted their appeal of the case to the Regional Planning Commission's Secretary on August 18, 2005.

In this submittal, you will find a copy of the appellant's appeal package, which has been prepared by their attorney, and which contains a copy of the Covenant, Conditions and Restrictions which the appellant claims were violated by the approval of the case. Also, included is a copy of the Final Letter of Approval, Findings and Conditions for Approval, and the Staff Report that was prepared for the initial public hearing.

It is the recommendation of Staff that the appeal be denied by the Regional Planning Commission, and that the approval by the Hearing Officer be upheld. Covenant, Conditions and Restrictions are not the governing principles by which this case was decided upon, but by the Los Angeles County Zoning Ordinance which has allowed the Hearing Officer to make his decision to approve the installation, operation and maintenance of the billboard proposed.



Los Angeles County Department of Regional Planning
320 West Temple Street, Los Angeles, California 90012
Telephone (213) 974-6443

PROJECT No. R2004-00269-(2)
CONDITIONAL USE PERMIT
200400016

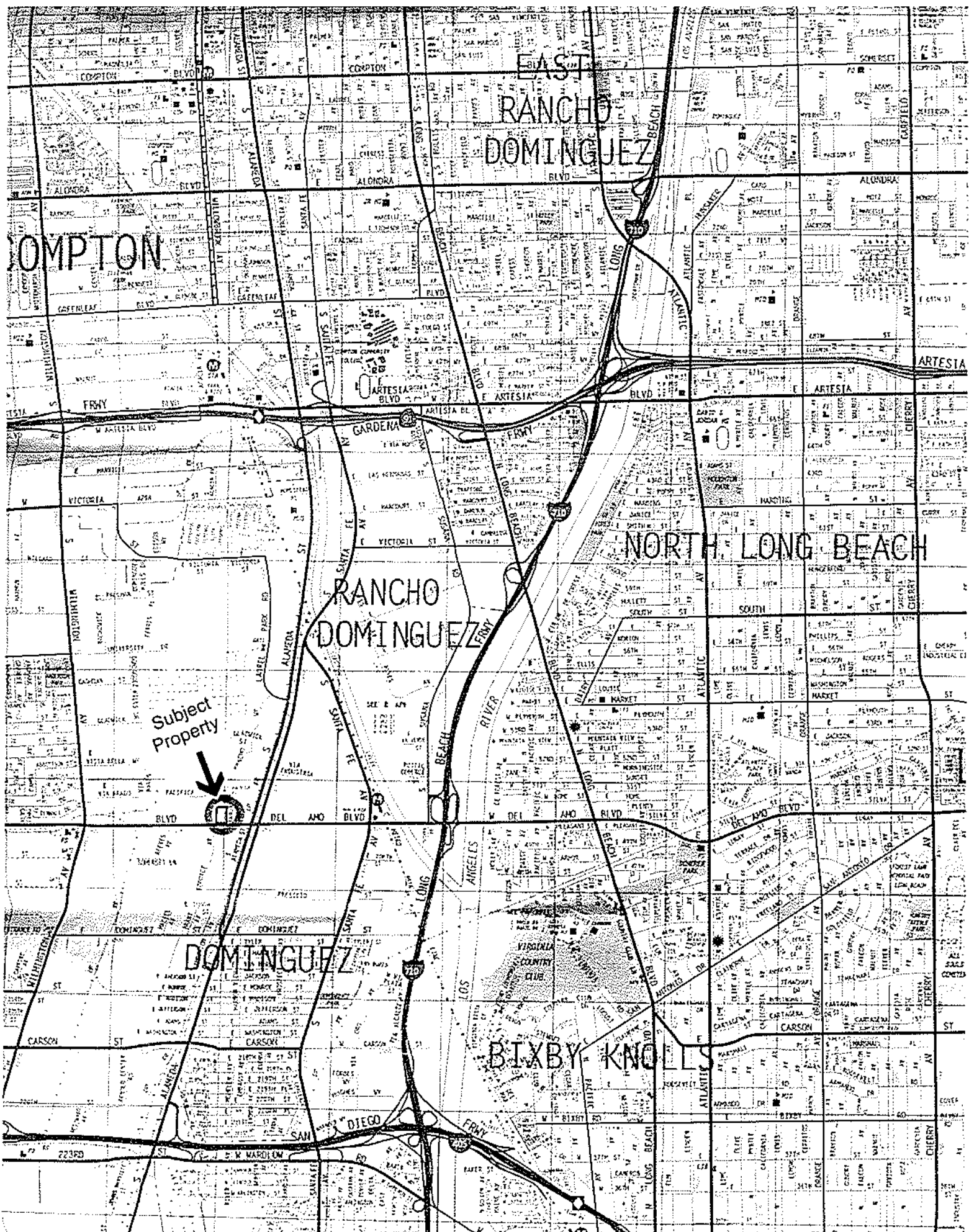
RPC HEARING DATE	CONTINUE TO
November 30, 2005	
AGENDA ITEM	
7	
PUBLIC HEARING DATE	
February 1, 2005	

APPLICANT Thompson Media Company		OWNER Alger Properties		REPRESENTATIVE Robert LaGrone	
REQUEST Appeal: Appeal, by non-applicant, of Hearing Officer's approval of Conditional Use Permit No. 2004-00016 to install, operate and maintain a 14' X 48' double-faced billboard on subject site.					
LOCATION/ADDRESS 2408 Rancho Way, Rancho Dominguez			ZONED DISTRICT Del Amo		
ACCESS Access to the property is from Rancho Way			COMMUNITY Rancho Dominguez		
			EXISTING ZONING M-2 (Heavy Manufacturing)		
SIZE 41,630 sq. ft.	EXISTING LAND USE Industrial manufacturing (tow truck equipment)		SHAPE Irregular	TOPOGRAPHY Level	
SURROUNDING LAND USES & ZONING North: Industrial warehouse and railroad/M-2			East: Industrial warehouse/M-2		
South: Industrial warehouse/ City of Carson			West: Industrial warehouse, railroad, and industrial manufacturing/ M-2		
GENERAL PLAN	DESIGNATION	MAXIMUM DENSITY	CONSISTENCY		
Countywide	Industrial	N/A	See Staff Report		
Community Plan	_____	_____	_____		
ENVIRONMENTAL STATUS Categorically Exempt					
DESCRIPTION OF SITE PLAN The overall site plan shows the existing 41,630 sq. ft. subject site consisting of an existing manufacturing building with a 33-space parking lot surrounding the building. The proposed 14'X48' billboard is located in the southwest corner of the property. The elevations show that the maximum height of the billboard will be 42'.					
KEY ISSUES ▪ Satisfaction of Section 22.56.040 of Title 22 of the Los Angeles County Code conditional use permit burden of proof requirements.					

TO BE COMPLETED ONLY ON CASES TO BE HEARD BY THE BOARD OF SUPERVISORS

STAFF CONTACT PERSON		
RPC HEARING DATE(S)	RPC ACTION DATE	RPC RECOMMENDATION
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING
STAFF RECOMMENDATION (PRIOR TO HEARING)		
SPEAKERS* (O) (F)	PETITIONS (O) (F)	LETTERS (O) (F)

*(O) = Opponents (F) = In Favor



765 A4

COPIES: EACH COMMISSIONER

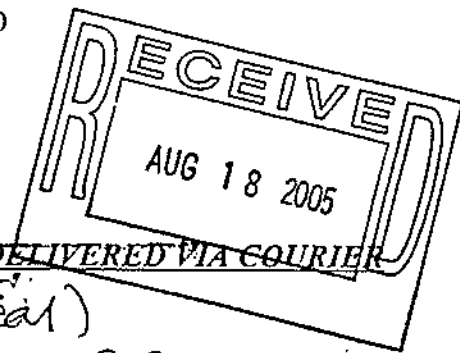
STAFF

Larry D. Mikelson

Attorney at Law

21515 Hawthorne Boulevard, Suite 840
Torrance, California 90503-6542
(310) 543-9379 FAX (310) 543-9394

August 17, 2005



Los Angeles County Department
of Regional Planning
320 West Temple Street
Rm. 1390
Los Angeles, California 90012

Filed with RPC

Subject:

Date:

Secretary

RE: APPEAL OF HEARING OFFICER'S DECISION GRANTING
CONDITIONAL USE PERMIT;
Case Number: 200400016
Project Number R2994-00269

Applicant: THOMPSON MEDIA COMPANY

Appellant: DONALD J. LA FORCE and MARY J. LA FORCE,
As Trustees of the LA FORCE FAMILY TRUST,
Dated, December 20, 1994

I am an Attorney representing the Appellant herein which is the owner of a contiguous property to that upon which the Applicant intends to erect the proposed Billboard, under contract with the owner of the property referred to in the Application as the location for the sign. (2408 Rancho Way (Rancho Del Amo Place), Rancho Dominguez. Appellant's property is located at, and is commonly known as 2417 E. Rancho Del Amo Place, Rancho Dominguez, California 90220. Per Notice of Approval of the above-referenced Conditional Use Permit, Appellant Appeals the decision of the Hearing Officer, to grant the Conditional Use Permit, on the following grounds:

I

THE APPLICATION SHOULD BE DENIED BECAUSE
THE HEARING OFFICER INCORRECTLY IGNORED
THE VIOLATION OF THE CC&RS AFFECTING THE
SUBJECT PROPERTY, WHICH PROHIBIT THE USE
WHICH THE PERMIT ALLOWS, AND WHICH, IN TURN,
AS A MATTER OF LAW, CONSTITUTES A PRIVATE NUISANCE.

Los Angeles County Department
of Regional Planning
August 17, 2005
Page 2

On January 14, 2005, the Appellant property owner sent a letter to Ms. Pat Hachiya objecting to the instant Application for the Conditional Use Permit. Said letter identified my client as a property owner in the vicinity of the subject property and advised that both properties were subject to the equitable servitudes imposed by CC&Rs. (Said CC&RS were recorded in the Official Records of the Office of the Los Angeles County Recorder, on September 20, 1974, as Instrument Number 3481.) My client further advised that, among other things, the requested use was in specific violation of Paragraph 4.05 of said CC&Rs. For your convenience, I attach and thereby incorporate herein, a copy of the applicable CC&Rs as Exhibit A.

At # 29. of the FINDINGS issued by the Hearing Officer in his Notice of Approval, he acknowledges the above-referenced information but discounts it as follows:

The CC&R prohibiting billboards in this area of the County does list the property as being subject to this restriction. However, CC&R restrictions are considered a private contract between the property owners and not enforceable by the County. Since this is a civil matter between private parties, the County is not obligated to consider the CC&R restrictions. (Emphasis mine)

Notwithstanding the Hearing Officer's FINDINGS, at Item # 29; Title 22, Chapter 22.56, Section 1780, at subsection E., of the Los Angeles County Code, provides that after a public hearing as was had herein, the hearing officer may; "... revoke or modify any permit, variance or other approval which has been granted by the hearing officer on any one or more of the following grounds:"

E. Except in the case of a dedicated cemetery, that the use for which the approval was granted is so exercised as to be detrimental to the public health or safety, or so as to be a nuisance. (Emphasis mine)

As set forth in my client's letter of January 14, 2005, and as acknowledged by the Hearing Officer, the property upon which the Applicant proposes to erect this Billboard is bound by the attached CC&RS. Paragraph 4.5 thereof provides:

4.05 No billboard or advertising sign shall be permitted other than those identifying the name, business and products of the person or firm occupying a building situated on a parcel and all signs and identifications on buildings or on the property shall only be of such size, design and color as shall be specifically approved by the Architectural Committee in writing.

Moreover, Paragraph 6.02 of the CC&RS provides:

The result of every action or omission whereby any covenant herein contained is violated or breached in whole or in part is hereby declared to be and to constitute a nuisance, and every remedy allowed by law or equity against an owner or lessee, either public or private, shall be applicable against every such result and may be exercised by Declarant or by any owner or lessor or lessee or occupant of property subject to these restrictions. (Emphasis mine)

It is therefore clear that:

- (1) the Subject Property is bound by the CC&RS;
- (2) the permitted use is specifically proscribed by Paragraph 4.05 of the CC&RS;
- (3) the violation of any covenant in the CC&RS is expressly declared a nuisance;
- (4) Title 22, Chapter 22.56, Section 1780, provides that grounds for REVOCATION of an approved use specifically includes and approved use which constitutes a nuisance.

Appellant therefore submits that the County may not approve this Application in that the permitted use constitutes a nuisance *per se* and that such condition is a specific ground for revocation of an approved permit. The Department should therefore REVERSE the holding of the Hearing Officer and DENY the Application.

II

**THE APPLICATION SHOULD BE REJECTED IN THAT
THE PROPOSED USE IS VIOLATIVE OF THE FINDINGS
OF THE HEARING OFFICER, ON THEIR FACE.**

At Item # 24. of the FINDINGS of the Hearing Officer, it is stated as a favorable quality of the application, that the proposed billboard is "RELATIVELY SMALL". As the photographs attached to the Application clearly indicate, the proposed sign dwarfs anything else in the area except the huge commercial buildings themselves. The fact is, as noted in Item # 1 of the Hearing Officer's FINDINGS, the sign is in fact 14' X 48' (672 sq. ft.) in area, PER SIDE, and is a massive 42' tall! Therefore, what is REALLY being proposed is an area twice that size, (1344 sq. ft.) standing 42 feet into the air, far higher than anything in the area!

It is patently clear that even 672 sq. ft. is NOT "relatively small", there is no sign anywhere in the area that is even close to that size, much less 1344 sq. ft., which is the actual size of the proposed sign. Further, and more absurdly still, at FINDING # 13, the Hearing Officer then restricts signs as to the firm occupying the premises to "30 square feet", A MERE 2% of the area allowed for this monstrous sign, advertizing God knows what!

III

**THE APPLICATION SHOULD BE REJECTED IN
THAT IT IS CLEAR THAT THE INTENDED USE OF
THE APPLICANT VIOLATES THE USE CONDITIONS
IMPOSED BY THE HEARING OFFICER.**

At Item # 22. of the FINDINGS of the Hearing Officer, it is stated that the proposed sign will: "...provide advertizing to businesses in this well-trafficked area." The Applicant is Thompson Media Company. It, like its competitors, pays property owners a fee to locate its billboards on their property, NOT THE OTHER WAY AROUND. It is absurd to find that the Applicant is proposing this bill-board to advertize the products of the "businesses in this well-trafficked area." Anything and everything will be posted on this sign EXCEPT the businesses in this well-trafficked area. Such an absurd finding cannot be part of the basis for a reasonable approval of this Application. If in fact the Applicant represented in its Application that only advertising of the "businesses in this well-trafficked area" would be placed on its sign, then it is submitted that the approval of the Application was obtained by Fraud, which is an additional ground for its revocation. (Los Angeles County Code, Title 22, Chapter 22.56, Section 1780, at subsection A.)

IV

**THE PROPOSED SIGN WOULD CREATE A TRAFFIC
SAFETY HAZZARD IN THE AREA.**

As the photograph attached to the Application clearly shows, the proposed monstrous sign is to be placed in close proximity to the traffic control signal at the pictured intersection. It is axiomatic that advertisers, when designing the advertising materials to be depicted on these billboards, desire them to be as "eye catching" as propriety allows. They are usually successful in doing so which in this case would serve to catch the eyes of motorists traveling at speed along this six lane highway, JUST AS THEY APPROACH THE TRAFFIC SIGNAL! There can be no doubt that the approval of this project will be the cause of multiple traffic accidents, resulting in injury and potentially death of motorists distracted by this sign. Either the Hearing Officer, as an employee of the County, failed to consider this clear safety hazzard, or he disregarded it. It is impossible to determine since it is not discussed in the Notice of Approval. I leave the potential liability issues for the County to the office of County Counsel.

CONCLUSION

For the foregoing reasons, it is respectfully requested that this Appeal be granted and that the Approval of this Conditional Use Permit be revoked.

Dated: August 17, 2005

A handwritten signature in black ink, appearing to read "Larry D. Mikelson", written over a horizontal line.

LARRY D. MIKELSON

Attorney for Appellant

DONALD J. LA FORCE and

MARY J. LA FORCE

As Trustees of the LA FORCE FAMILY
TRUST, Dated, December 20, 1994

When Recorded Return To:

Daldun Properties

9171 Wilshire Boulevard, Suite 20

Beverly Hills, California 90210

Attention: Donald H. Meyers

3481

RECORDED IN OFFICIAL RECORDS OF LOS ANGELES COUNTY, CA	
21 MIN. PART	1 P.M. SEP 20 1974
Recorder's Office	

(Space Above for Recorder's Use)

DECLARATION OF PROTECTIVE COVENANTS,

CONDITIONS AND RESTRICTIONS

FEE \$ 10
\$ 17

THIS DECLARATION is made this 30th day of August,
1974, by DELDUN PROPERTIES, a Limited Partnership
(hereinafter referred to as "Declarant").

R E C I T A L S

A. Declarant is the owner of certain real property situated in the County of Los Angeles, State of California described in Exhibit "A" which is attached hereto and by this reference made a part hereof (hereinafter referred to as the "Property").

B. Declarant desires to subject the Property to the conditions, covenants and restrictions herein declared for the benefit of the Property and each and every part thereof and its present and future owners.

NOW, THE FORE, Declarant hereby declares that the Property is and shall be held, conveyed, hypothecated, encumbered, leased, occupied or otherwise used, improved, transferred, in whole or in part, subject to the covenants, conditions and restrictions hereinafter set forth.

1. Definitions.

1.01 The term "Declaration" shall mean and refer to this Declaration of Covenants, Conditions and Restrictions.

1.02 The term "Covenants", as used herein shall include only to the covenants, conditions, restrictions, easements, liens and charges imposed

by or expressed in this Declaration.

1.03 The term "beneficiary" shall mean a mortgagee under a mortgage as well as a beneficiary under a deed of trust encumbering any portion of the Property.

1.04 The term "improvements" shall include buildings, ~~one~~ buildings, roads, driveways, parking areas, fences, retaining walls, stairs, docks, hedges, windbreaks, plantings, planted trees and shrubs, poles, signs, exterior lighting, loading areas, fences, walls, and all other structures or landscaping improvements of any type or kind.

1.05 The term "Declarant" as used herein shall mean the undersigned, its successors and assigns.

1.06 The term "parcel" shall refer to each lot or parcel comprising the Property as shown on a map recorded in Book 14, page 39, Official Records of Los Angeles County, California.

2. Nature and Purpose of Covenants. The covenants set forth in this Declaration constitute a general scheme for the development, ~~protection~~, and maintenance of the Property to enhance the value, desirability, and attractiveness thereof, and to provide in general for a high type and quality industrial park in accordance with a general plan therefor. These covenants shall be imposed upon Declarant and upon all subsequent owners of the Property or any part thereof. These covenants are hereby declared to be for the benefit of all of the Property and each and every part thereof and shall be a burden upon and a benefit to not only Declarant but also its successors and assigns to all or any portion of the Property. All of the covenants herein contained are intended as and are hereby declared to be covenants running with the land or equitable servitudes upon the land, as the case may be.

3. Architectural Committee - Approval of Plans.

3.01 The Architectural Committee shall consist of three individuals to be appointed by Declarant. A majority of the Architectural Committee may designate a representative to act for it. So long as Declarant owns any parcel of the Property, Declarant shall have the right to remove any member of the Architectural Committee and to fill any vacancies thereon. One (1) year after the date when Declarant no longer owns any parcel or has any interest in any parcel as a beneficiary under a deed of trust encumbering the same, the membership of the Architectural Committee shall be automatically increased to the number of parcels comprising the Property, and the owner of each parcel shall have the right to appoint one (1) member for each parcel owned. Any owner of a parcel shall have the right to remove any member appointed by him or his predecessor in interest with respect to such parcel. Actions taken by the Architectural Committee shall be by a majority of voting power. Each member shall have votes equal to the number of square feet contained in the buildings located on the parcel with respect to which he was appointed. Vacancies shall be filled in the same manner in which members are appointed.

3.02 No improvement or any replacement, addition or alteration thereof shall be erected, placed, altered, maintained or permitted to remain on the Property or any part thereof unless and until all plans and specifications therefor, showing a plot layout, all exterior elevations, structural design, and materials and colors shall have been submitted to and approved in writing by the Architectural Committee, nor shall any exterior painting or decorative alteration to any improvement be commenced or completed until the Architectural Committee

has approved the plans therefor, including the proposed color scheme, design thereof and the quality of material to be used. All such plans and/or specifications shall be prepared by an architect, engineer or landscape designer or landscape architect, said person to be employed by the person making application for the Committee's approval. Plans and/or specifications and resubmittals thereof shall be approved or disapproved within thirty (30) days. Failure of the Architectural Committee to approve plans and/or specifications submitted within such period shall be deemed to be approval thereof as submitted or resubmitted as the case may be. The approval of any such plans and/or specifications may be withheld not only because of noncompliance with any of the specific covenants, conditions and restrictions contained herein, but also by reason of the dissatisfaction of the Architectural Committee with the location of the proposed improvement, the elevation thereof, the color scheme, finish, design, proportions, architecture, shape, height, style or appropriateness of the proposed improvement, the conformity and compatibility of the proposed improvement with the drainage design and facilities for the Property, the conformity and harmony of external design thereof with neighboring improvements and conformity of the plans and/or specifications to the purpose and general plan and intent of this Declaration.

3.03 If after any plans and/or specifications have been approved by the Architectural Committee in accordance with the provisions hereof, improvements erected, placed or altered pursuant thereto are altered, erected, or maintained other than as approved by the Architectural Committee, such alteration, erection and maintenance shall be deemed to have been undertaken without the approval of the Architectural Committee having been obtained as required herein, provided.

however, after the expiration of one (1) year from the date of completion of any improvement, said improvement shall, in favor of purchasers and encumbrancers in good faith and for value, be deemed to comply with all of the provisions hereof unless actual notice of such noncompliance shall appear of record in the Office of the County Recorder of Los Angeles County, California within such period or unless legal proceedings shall have been instituted to enforce compliance herewith within such period.

3.04 Neither the members of the Architectural Committee, the Architectural Committee itself as an unincorporated association, Declarant, nor the successors or assigns of any of them shall be liable in damages to anyone submitting plans and/or specifications for approval in accordance with the provisions hereof or to any owner or lessee of the Property or any part thereof by reason of mistake in judgment, negligence or nonfeasance arising out of or in connection with the approval or disapproval or failure to approve any such plans and/or specifications. Every person who submits plans and/or specifications to the Architectural Committee or to Declarant for approval agrees, by submission of such plans and/or specifications, and every owner or lessee of the Property or any part thereof agrees, by acquiring title thereto or any interest therein, that he will not bring any action or suit against any of the aforesaid to recover any such damages.

4. Regulation of Improvements.

4.01 No improvement of any kind shall be placed on, affixed to or otherwise made with respect to the Property except in full compliance with the provisions of this Declaration including Section 3.02 hereof.

4.02 After commencement of construction of any improvements, the owner shall diligently prosecute the work

thereon to the end that such improvements shall not remain in a partly finished condition any longer than reasonably necessary.

4.03 No excavation shall be made except in connection with construction of improvements, and upon completion thereof exposed openings shall be backfilled and disturbed ground shall be graded and leveled.

4.04 Each parcel comprising the Property shall be landscaped according to plans approved as specified herein, and maintained thereafter in a slightly and well-kept condition. The property owner, lessee or occupant of any building situated on such a property shall provide hedges in the vicinity of landscaped areas.

4.05 No billboard or advertising sign shall be permitted other than those identifying the name, business and products of the person or firm occupying a building situated on a parcel and all signs and identifications on buildings or on the property shall only be of such size, design and color as shall be specifically approved by the Architectural Committee in writing.

4.06 No open or bulk storage shall be permitted on the Property without the prior written approval of the Architectural Committee. Such approval shall not be granted unless the proposed storage (1) would be screened from view, (2) would not interfere with parking or traffic flow, (3) would not increase the hazard of fire or other casualty and (4) would not interfere with or constitute a nuisance to other owners or users of the Property. Any such approval may be conditional or limited and may be terminated at any time if such storage fails to meet the standards set forth above.

4.07 Each owner of a parcel shall keep and maintain the improvements thereon (whether or not constructed by such owner) and any adjoining sidewalks, curbs and ways (to the extent the same are not maintained by any governmental authority) in good repair and condition, except for ordinary wear and tear.

5. Regulations and Operations and Uses.

5.01 Unless otherwise specifically prohibited herein, any industrial operation or use shall be permitted if

It is performed and carried out entirely within a building that is so designed and constructed that the enclosed operations and user do not cause or produce a nuisance to other parcels comprising the Property such as but not limited to vibration, sound, electro-mechanical disturbance and radiation, electro-magnetic disturbance, radiation, air or water pollution, dust, or omission of odors, toxic or nontoxic matter. To that end:

(i) Oil, natural gas or electricity only shall be used as a fuel or source of power for the conduct of an use;

(ii) All uses shall be operated in such a manner so that there will be no emission of any concentration of odors, gases or fumes which are noxious, offensive, toxic, corrosive, or otherwise harmful to the public health, safety and general welfare;

(iii) Noises and sounds shall be appropriately muffled in such a manner so as not to be objectionable as to intermittent beat, frequency, shrillness or volume;

(iv) Every use shall be operated in such a manner that the ground vibration inherently and recurrently generated from such use is not perceptible at any point on the property line of a parcel on which the use is located;

(v) Arc welding, acetylene torch cutting, and other similar processes shall be performed in such a manner and in such locations that the glare and heat resulting therefrom shall not be seen or felt directly from any point on or beyond the property line of the parcel on which the use is located;

(vi) Unshielded light, reflectors or spotlights shall be located and directed in such a manner so as to reflect the light away from public streets and adjacent parcels;

(vii) Electrical reflectors, spotlights, flood lights and other methods of illumination may be used to illuminate structures, landscaping areas, signs, parking and loading areas, provided that such devices are equipped with proper lenses concentrating the illumination upon such structures and areas, and preventing any bright or direct illumination upon adjacent parcels or upon any public street.

5.02 The following operations and uses shall not be permitted on the Property or any part thereof:

- (a) Residential;
- (b) Trailer courts;
- (c) Labor camps;
- (d) Junk yards;
- (e) Drilling for and/or removal of oil, gas, or other hydrocarbon substances;
- (f) Commercial excavation of building or construction materials;
- (g) Distillation of bones;
- (h) Dumping, disposal, incineration or reduction of garbage, sewage, offal, dead animals or refuse;
- (i) Fat rendering;
- (j) Stock yard or slaughter of animals;
- (k) Refining of petroleum or of its products;
- (l) Smelting of iron, tin, zinc or other ores;
- (m) The raising of hogs or other animals.

5. Enforcement.

6.01 Violation or breach of any covenant herein contained, including the construction or maintenance of any improvement except in compliance with the provisions hereof,

shall give to Declarant, the Architectural Committee and every owner of property subject to this Declaration, the right to prosecute a proceeding at law or in equity against the person or persons who have violated or are attempting to violate any of these covenants to enjoin or prevent them from doing so, to remove any improvement, thing or condition existing on the Property contrary to the intent and meaning hereof, to cause said violation to be remedied or to recover damages for said violation. In addition, Declarant, the Architectural Committee, and their authorized agents, only, shall have the right, after reasonable notice, to enter upon the Property upon or as to which such violation or breach exists and to summarily abate and remove, at the expense of the owner or lessee thereof, any improvement, thing or condition that may be or exist thereon contrary to the intent and meaning of the provisions hereof.

6.02 The result of every action or omission whereby any covenant herein contained is violated or breached in whole or in part is hereby declared to be and to constitute a nuisance, and every remedy allowed by law or equity against an owner or lessee, either public or private, shall be applicable against every such result and may be exercised by Declarant or by any owner or lessor or lessee or occupant of property subject to these restrictions.

6.03 In any legal or equitable proceeding for the enforcement, or to restrain the violation, of this Declaration, or any provision hereof, the losing party or parties shall pay the attorneys' fees of the prevailing party or parties, in such amount as may be fixed by the court in such proceedings. All remedies provided herein or at law or in equity shall be cumulative and not exclusive.

6.04 All covenants herein contained shall be deemed subject and subordinate to all mortgages and deeds of

trust now or hereafter executed upon the Property subject to these restrictions, and none of said restrictions shall supersede or in any way reduce the security or affect the validity of any such mortgage or deed of trust; provided, however, that if any portion of the Property is sold under a foreclosure of any mortgage or under the provisions of any deed of trust, any purchaser of such sale, and his successors and assigns, shall hold any and all property so purchased subject to all of the restrictions and other provisions of this Declaration.

5.05 All covenants herein contained shall run with the land and shall create reciprocal rights and obligations between the respective owners of all parcels comprising the Property and privity of contract and estate between all grantees of said parcels, their heirs, successors and assigns; and shall be enforceable by the owner of each parcel, his heirs, successors and assigns.

7. Effect of Invalidity.

If any provision of this Declaration is held to be invalid by any court, the invalidity of such provision shall not affect the validity of the remaining provisions hereof.

8. Term of Declaration.

This Declaration shall continue in full force and effect until December 31, 1990, and shall thereafter be automatically extended for successive periods of ten (10) years each unless seventy-five percent (75%) of the owners of parcels comprising the Property shall file of record an agreement terminating this Declaration.

IN WITNESS WHEREOF, the undersigned has executed

This Declaration on the date first hereinabove written.

DELDUN PROPERTIES, a Limited Partnership
By: Libby Hall, Inc., General Partner

By Nat Stoller
Nat Stoller, Secretary

STATE OF CALIFORNIA

COUNTY OF ORANGE

ss.

On Aug 30, 1974, before me, the undersigned,
a Notary Public in and for said State, personally appeared
 , known to me to be the President, and
 , known to me to be the Secretary of
DELDUN PROPERTIES CORPORATION, the corporation that executed
the within instrument, known to me to be the persons who
executed the within instrument on behalf of the corporation
therein named, and acknowledged to me that such corporation
executed the within instrument pursuant to its by-laws or
a resolution of its board of directors.

WITNESS my hand and official seal.

Notary Public in and for said
County and State

TO AND 2 (8-74)

(Corporation as a Partner of a Partnership)

STATE OF CALIFORNIA

COUNTY OF Los Angeles

ss.

On August 30, 1974, before me, the undersigned, a Notary Public in and for
said State, personally appeared known to me to be the
 President and Nat Stoller known to me to be the
Secretary of Libby Hall, Inc. the corporation that executed

the within instrument and knows to me to be the persons who
executed the within instrument on behalf of said corporation
and corporation being known to me to be one of the partners of
Deldun Properties the partnership
that executed the within instrument and acknowledged to me
that such corporation executed the same as such partner and
that such partnership executed the same

WITNESS my hand and official seal.

Signature Judith D. Evans

Judith D. Evans

(Name - Typed or Printed)

TITLE INSURANCE
AND TRUST

A TITOL COMPANY

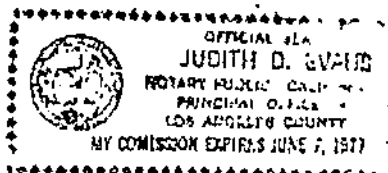


EXHIBIT A

PARCEL A:

PARCELS 1 TO 4 INCLUSIVE OF PARCEL MAP NO. 557, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 14 PAGE 39 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT ALL 100 PER CENT OF THE OIL, GAS, PETROLEUM AND OTHER HYDROCARBON SUBSTANCES WHICH LIE BELOW A PLANE PARALLEL TO AND 500 FEET BELOW THE NATURAL SURFACE OF SAID LAND WITHOUT, HOWEVER, ANY RIGHT TO ENTER UPON THE SURFACE OF SAID LAND TO EXPLORE FOR, DEVELOP OR REMOVE SAID SUBSTANCES, BUT WITH FULL RIGHT TO EXPLORE FOR, DEVELOP AND REMOVE THE SAME BY MEANS OF WELLS OR EQUIPMENT HAVING SURFACE LOCATIONS OUTSIDE THE OUTER BOUNDARIES OF SAID REAL PROPERTY, IN AND UNDER OR RECOVERABLE FROM SAID REAL PROPERTY, AS EXCEPTED IN THE DEED FROM DEL AND ESTATE COMPANY, A CORPORATION, RECORDED NOVEMBER 8, 1963 IN BOOK D-2250 PAGE 754, OFFICIAL RECORDS, AS INSTRUMENT NO. 5445.

PARCEL B:

PARCELS 1 TO 5 INCLUSIVE AND PARCELS 5 AND 6 OF PARCEL MAP NO. 725, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 17 PAGE 53 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT ALL 100 PER CENT OF THE OIL, GAS, PETROLEUM AND OTHER HYDROCARBON SUBSTANCES WHICH LIE BELOW A PLANE PARALLEL TO AND 500 FEET BELOW THE NATURAL SURFACE OF SAID LAND WITHOUT, HOWEVER, ANY RIGHT TO ENTER UPON THE SURFACE OF SAID LAND TO EXPLORE FOR, DEVELOP OR REMOVE SAID SUBSTANCES, BUT WITH FULL RIGHT TO EXPLORE FOR, DEVELOP AND REMOVE THE SAME BY MEANS OF WELLS OR EQUIPMENT HAVING SURFACE LOCATIONS OUTSIDE THE OUTER BOUNDARIES OF SAID REAL PROPERTY, IN AND UNDER OR RECOVERABLE FROM SAID REAL PROPERTY, AS EXCEPTED IN THE DEED FROM DEL AND ESTATE COMPANY, A CORPORATION, RECORDED NOVEMBER 8, 1963 IN BOOK D-2250 PAGE 754, OFFICIAL RECORDS, AS INSTRUMENT NO. 5445.

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen (18) and not a party to the within action; my business address is: 21515 Hawthorne Boulevard, Suite 840, Torrance, California.

On August 17, 2005, I served by mail the foregoing document described as **APPEAL OF HEARING OFFICER'S DECISION GRANTING CONDITIONAL USE PERMIT; CASE NO.: 200400016; PROJECT NO. R2994-00269**, on the interested parties in this action by placing a true copy thereof enclosed in a sealed envelope addressed as follows:

ROBERT LA GRONE
245 LAKEWOOD GARDEN DRIVE
LAS VEGAL, NEVADA 89148

I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the United States Postal Service on that same day with First Class postage thereon fully prepaid at Torrance, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after date of deposit for mailing in the affidavit.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on August 17, 2005, at Torrance, California.


RENEE M. WILSON

PROOF OF SERVICE

(California Code of Civil Procedure § 1013A)

I am employed in the State of California. I am over the age of 18 years and not party to the within action. My business address is 21515 Hawthorne Boulevard, Suite 840, Torrance, CA 90503. On August 18, 2005, I caused to be served the foregoing document described as:

**APPEAL OF HEARING OFFICER'S DECISION
GRANTING CONDITIONAL USE PERMIT; CASE NO:
200400016; PROJECT NO. R2994-00269**

on all interested parties in this action by having a true copy thereof to be served personally by COURIER. at the address as follows:

Los Angeles County Department
of Regional Planning
320 West Temple Street
Rm. 1390
Los Angeles, California 90012

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on this day of August 18, 2005, Torrance, California.


RENEE M. WILSON



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



August 1, 2005

James E. Hartl, AICP
Director of Planning

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Robert La Grone
245 Lakewood Garden Dr.
Las Vegas, NV 89148

RE: PROJECT NO. R2004-00269
CONDITIONAL USE PERMIT CASE NO. 200400016
To authorize a 14'X48' (672 sq. ft.) double-faced monopole outdoor advertising sign
(billboard) for off-site advertising

Dear Applicant:

PLEASE NOTE: This document contains the Hearing Officer's findings and order and conditions relating to **APPROVAL** of the above referenced case. **CAREFULLY REVIEW EACH CONDITION.**

Condition 3 requires that the permittee must file an affidavit accepting the conditions before this grant becomes effective. **USE THE ENCLOSED AFFIDAVIT FOR THIS PURPOSE.**

The applicant or **ANY OTHER INTERESTED PERSON** may **APPEAL** the Hearing Officer's decision to the Regional Planning Commission at the office of the commission's secretary, Room 170, Hall of Records, 320 West Temple Street, Los Angeles, California 90012. Contact the commission's secretary for the necessary forms and the amount of the appeal fee at (213) 974-6409. The appeal must be postmarked or delivered in person within 15 calendar days after the applicant receives this notice. The Regional Planning Commission may also call up the Hearing Officer's decision for review during the appeal period.

For further information on appeal procedures or any other matter pertaining to this approval, please contact the Zoning Permits Section II at (213) 974-6435.

HEARING OFFICER'S FINDINGS AND ORDER:

REQUEST: The applicant is requesting a Conditional Use Permit to authorize a 14'X48' (672 sq. ft.) double-faced monopole outdoor advertising sign (billboard) for off-site advertising. The 42' tall sign will be oriented for visibility to westbound and eastbound traffic on East Del Amo Blvd.

PROCEEDINGS BEFORE THE HEARING OFFICER:

February 1, 2005 Public Hearing

A duly noticed public hearing was held on February 1, 2005. The applicant's representative and the property owner were sworn in and testified in support of the project.

The property owner testified that the existing chain-link fence on the property was 7'10" in height, and up to 9'4" in height with the barbed wire. He felt that if a wall was constructed as recommended in the staff report, the property will become a compound and have security problems. Instead, the applicant offered to provide aesthetic landscaping to establish landscaping as a screen along the side street to the rear of the property. The Hearing Officer asked that the applicant provide a landscaping plan to address the zoning violations identified in the staff report.

He also explained that the storage of tow trucks on the property were due to the recent consolidation of some of his businesses and they would not be stored on site long term.

One adjacent property owner testified in opposition to the proposed billboard. He was concerned that the proposed billboard violated the existing Covenant, Conditions, and Restrictions (CC&R) for the area. Furthermore, he believed that the height of the billboard would detract and conceal signage on his building which neighbored the subject property.

The applicant agreed to investigate the CC&R and whether it governed the subject property and to try to address his neighbor's concerns.

The Hearing Officer also asked the applicant to find a way to demonstrate that he billboard would not detract and conceal the signage of the adjacent property.

There being no further testimony, the Hearing Officer continued the public hearing to April 5, 2005.

April 5, 2005 Public Hearing

The continued public hearing was held on April 5, 2005. There was no one present in the audience to testify.

There being no further testimony, the Hearing Officer agreed to the applicant's written request to continue the case to June 21, 2005 to allow additional time for the applicant and adjacent property owner to resolve issues raised during the February 1, 2005 hearing.

June 21, 2005 Public Hearing

The continued public hearing was held on June 21, 2005. The property owner was sworn in and testified in support of the project.

There being no further testimony, the Hearing Officer closed the public hearing and took the case under submission. After reviewing all testimony on the matter, the Hearing Officer approved the Conditional Use Permit in accordance with the Title 22 (Zoning Ordinance) of the Los Angeles County Code.

Findings

1. The applicant, Thompson Media Company, is requesting a Conditional Use Permit to authorize a 14'X48' (672 sq. ft.) double-faced monopole outdoor advertising sign (billboard) for off-site advertising. The 42' tall sign will be oriented for visibility to westbound and eastbound traffic on East Del Amo Blvd.
2. The subject property is located at 2408 Rancho Way (Rancho del Amo Place), Rancho Dominguez in the Del Amo Zoned District. The original address of the property was 2351 East Del Amo Blvd. However, due to a bridge construction and road realignment by the Department of Public Works, the County enlarged the subject parcel and changed the address to 2408 Rancho Way.
3. The subject site is 41,630 sq. ft. in size, consisting of three parcels held as one, and on level land.
4. The subject property is zoned M-2 (Heavy Manufacturing).
5. Surrounding properties are zoned as follows:
North, East, West: M-2
South: City of Carson
6. There is an industrial manufacturing company that manufactures and installs tow truck equipment on the subject property and also sells the tow trucks.
7. Surrounding Land Uses within 500' of the subject property consists of the following:
North: Industrial warehouse and railroad
South: Industrial warehouse
East: Industrial warehouse
West: Industrial warehouse, railroad, and industrial manufacturing
8. There is no history of zoning violations involving the subject property.
9. Plot Plan 48022 filed as a request to authorize truck repair on the property was denied on 8/22/03 for a lack of activity on the case.
10. The subject property is designated as Major Industrial in the Los Angeles County

General Plan. The intent of the "Major Industrial" category is to assure that sufficient land is allocated for a wide range of industrial activities serving both the domestic and export markets and providing jobs for a large portion of the resident labor force. The proposed outdoor advertising sign slightly intensifies the use on an existing industrial manufacturing property but does not entail any new construction. The sign is a use consistent with the goals of the "Major Industrial" land use designation of the General Plan.

11. The overall site plan shows the 41,630 sq. ft. subject site consisting of an existing 9,375 sq. ft. manufacturing building with a 33-space parking lot surrounding the building. The proposed 14'X48' billboard is located in the southwest corner of the property. The elevations show that the maximum height of the billboard will be 42'.
12. The building permit submitted by the applicant shows that the approved building was 10,112 sq. ft. in size. The site plan will need to be revised to reflect the correct size of the building.
13. Pursuant to Sections 22.52.570 and 22.52.610 of the Zoning Code, the existing use on the property does maintain outside storage of tow truck equipment, pallets, and tow trucks. Although the applicant's site plan does show that a chain-link fence exists on the property, it does not indicate the height of the fence. A revised site plan will need to be submitted showing the height of the fence.
 - All fences and walls, excluding masonry and approved permanent-finish panels, shall be painted a uniform, neutral color, excluding black, which blends with the surrounding terrain, and improvements shall be maintained in a neat, orderly condition at all times.

This requirement has been added to the conditions of approval.

- No portion of the wall or fence shall be used for advertising or display purposes except for the name and address of the firm occupying the premises, and such identification sign shall not consist of an aggregate area in excess of 30 square feet.

This requirement has been added to the conditions of approval.

- Landscaping shall be distributed along said frontage in accordance with the site plan approved by the director. No planting area shall have a horizontal dimension of less than three feet.

No landscaping is shown along the frontages where the existing chain-link fence is located in the existing site plan. Landscaping shall be provided and shown in the revised site plan as required by the conditions of approval.

14. All portions of outside storage and display areas shall have adequate grading and drainage and shall be continuously maintained, and all raw materials, equipment or finished products stored or displayed pursuant to the provisions of this Part 7:

- Shall not be stored above the height of the fence or wall within 10 feet of said fence or wall; and
- Shall be stored in such manner that it cannot be blown from the enclosed storage area; and
- Shall not be placed or allowed to remain outside the enclosed storage area.

The site plan as submitted showed an area of the property where tow truck were currently stored outside the subject building. Based on staff's site visit, the trucks were within 10 feet of the fence but did not appear to go over the height of the fence. A condition of approval has been added to ensure that this requirement will be continually complied with.

14. At a ratio of one parking space for every 500 sq. ft. of floor area, the existing 10,112 sq. ft. of building requires 20 parking spaces. A total of 33 parking spaces are shown on the site plans submitted by the applicant and meet the parking requirement.
15. The total square footage of landscaping is not shown on the site plan. The applicant submitted copies of the building permit showing that the building was constructed in 1969, prior to the 2% landscaping requirement for industrial properties.
16. The proposed outdoor advertising sign (billboard) complies with the provisions of Part 10 of Chapter 22.52 and the conditions of use as outlined in Sections 22.52.820 (General Regulations for all signs) and Section 22.52.840 (Outdoor Advertising Signs – Conditions) of the Zoning Code.
17. The proposed billboard is less than 800 sq. ft. in size (672 sq. ft.) and does not exceed 42' in height.
18. The applicant has determined that there are no other existing billboards within half a mile of the subject property.
19. The proposed sign is freestanding and will not be on a roof or extend over a roof.
20. The sign is not visible to any freeways or scenic highways from a distance of 660 feet.
21. The requested use is in an industrial office park area and there are no residential zones, parks, churches, and schools within 3000 feet of the subject site.
22. The proposed sign will provide advertising to businesses in this well-trafficked area which has no existing billboards between Wilmington Ave. and Alameda Street along Del Amo Blvd.
23. The proposed sign will not affect yards, walls, fences, parking or the loading area for the primary industrial building use on the property. It will be located in a ground-cover landscaped area in the southwest corner of the property. It is adequately served by existing streets and will not require and additional improvements to the property.

24. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA). As the industrial building is existing facility and the proposed sign is relatively small, the project is within a class of projects which have been determined not to have a significant effect on the environment in that it meets the criteria set forth in section 15301 of the State CEQA Guidelines and Class 3 of the County Environmental Document Reporting Procedures and Guidelines, Appendix G.
25. During staff's site visit, staff found tow trucks, pallets and tow truck equipment stored outside the existing building on the property. The trucks, pallets and equipment were stored right next to the existing chain-link fence on the property and were covering up a substantial number of parking spaces on the property.
26. A total of 30 public hearing notices were mailed out to property owners within 500' of the subject property on December 21, 2004 regarding the subject request. The notice was published in The Daily Breeze and La Opinion on December 22, 2004. Case-related material, including the hearing notice, factual and burden of proof were sent on December 21, 2004 to the Victoria Library located at 17906 S. Avalon Blvd., Carson. The property was posted on December 30, 2004, which met the 30-day posting requirement.
27. Staff received one letter of protest from a nearby property owner opposing the subject billboard request. He was concerned that the installation of the billboard would create an eyesore for the general area which was devoid of any such existing signs. Furthermore, he contended that an existing Covenant, Conditions, and Restrictions (CC&R) contract for the area prohibited billboards such as the one that is proposed.
28. The existing tow truck manufacturing company was storing tow trucks and associated equipment and materials on site in a manner inconsistent with the requirements of the Zoning Code. Due to the fact that the existing use was located in an industrial area, staff recommended that the landscaping requirements of the Zoning Code be waived. But the applicant has been required to submit a revised site plan showing the correct size of the existing building on the property, existing and proposed landscaped areas on the property, and the location and height of the existing fencing on the property. In addition, revised drawings showing the elevation of the sign from the street will be required.
29. The CC&R prohibiting billboards for this area of the County does list the property as being subject to this restriction. However, CC&R restrictions are considered a private contract between the property owners and not enforceable by the County. Since, this is a civil matter between private parties, the County is not obligated to consider the CC&R's restrictions.
30. The requested use is consistent with the General Plan and Zoning Code. The proposed use does not involve any additions or expansions to the existing building and does not intensify traffic or parking demand on the property.


BASED ON THE FOREGOING, THE HEARING OFFICER CONCLUDES:

- A. The proposed use is consistent with the adopted general plan for the area;
- B. The requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing and working in the surrounding area, and not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety and general welfare;
- C. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking, landscaping and other development features;
- D. The proposed site is adequately served by highways of sufficient width, and improved as necessary to carry the kind of traffic such use would generate and by other public or private facilities as are required.

THEREFORE, the information submitted by the applicant and presented at the public hearing substantiates the required findings for a conditional use permit as set forth in Sections 22.56.090, Title 22, of the Los Angeles County Code (Zoning Ordinance).

HEARING OFFICER ACTION:

- 1. I have considered the Categorical Exemption for this project and certify that it is consistent with the finding by the State Secretary of Resources or by local guidelines that this class of projects does not have a significant effect on the environment.
- 2. In view of the findings of fact presented above, Project No. R2004-00269, Conditional Use Permit Case No. 200400016-(5) is **APPROVED**, subject to the attached conditions.

BY: 
SORIN ALEXANIAN, HEARING OFFICER
Department of Regional Planning
County of Los Angeles

DATE: 8-1-2005

Attachments: Conditions of Approval and Affidavit of Acceptance

- c: Each Commissioner, Zoning Enforcement, Aziz Banayan of Algert Properties (Property Owner) and Don La Force (2417 Rancho Del Amo, Compton, CA 90220)

1. This grant authorizes the use of the subject property to install and maintain a free-standing, 14'x48', double-faced outdoor advertising sign, as depicted on the approved Revised Exhibit "A", subject to all of the following conditions of approval.
2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
3. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Department of Regional Planning their affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant and that the conditions of the grant have been recorded as required by Condition No. 8, and until all required monies have been paid pursuant to Condition No. 10.
4. The permittee shall defend, indemnify and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void or annul this permit approval, which action is brought within the applicable time period of Government Code Section 65009 or any other applicable limitation period. The County shall notify the permittee of any claim, action, or proceeding and the County shall reasonably cooperate in the defense.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall within ten days of the filing pay the Department of Regional Planning an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation.
 - b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by the permittee in accordance with Los Angeles County Code Section 2.170.010.

6. This grant shall expire unless used within two (2) years from the date of approval. A one-year time extension may be requested in writing and with payment of the applicable fee at least six (6) months prior to the expiration date.
7. If any provision of this grant is held or declared to be invalid, the permit shall be void and the privileges granted hereunder shall lapse.
8. Prior to the use of this grant, the terms and conditions of the grant shall be recorded in the office of the County Recorder. In addition, upon transfer or lease of the property during the term of this grant, the permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee, as applicable, of the subject property.
9. **This grant will terminate on August 2, 2015.** Entitlement to use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, a new Conditional Use Permit application shall be filed with the Department of Regional Planning at least six months prior to the termination date of this permit whether or not any modification of the use is requested at that time.
10. The subject property shall be maintained and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in full compliance shall be a violation of these conditions. Prior to the use of this grant, **the permittee shall deposit with the County of Los Angeles the sum of \$1,500.00.** These monies shall be placed in a performance fund which shall be used exclusively to compensate the Department of Regional Planning for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval, including adherence to development in accordance with the approved site plan on file. The fund provides for 10 annual inspections.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any one of the conditions of this grant, the permittee shall be financially responsible for and shall reimburse the Department of Regional Planning for all additional inspections and for any enforcement efforts necessary to bring the subject property into compliance. Inspections shall be made to ensure compliance with the conditions of this grant as well as adherence to development in accordance with the approved site plan on file. The amount charged for additional inspections shall be the amount equal to the recovery cost at the time of payment (currently \$150.00 per inspection).

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if

the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance.

12. All requirements of the Zoning Ordinance and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.
13. All structures shall comply with the requirements of the Division of Building and Safety of the Department of Public Works.
14. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. These shall include any of the above that do not directly relate to the business being operated on the premises or that do not provide pertinent information about said premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.
15. In the event of such extraneous markings occurring, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.
16. The property owner shall maintain the subject property in a neat and orderly fashion. Any equipment or furniture that is in disuse shall be removed from the landscaped and parking areas. The property owner shall maintain free of litter all areas on the premises over which the permittee has control.
17. All landscaped areas on the subject property shall be continuously maintained in good condition.

Billboard

18. In no case shall a lighted sign or lighting device thereof be so placed or directed so as to permit the beams and illuminations therefrom to be directed or beamed upon a public street, highway, sidewalk or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.
19. The permitted sign may be a changeable-copy sign.
20. The permitted sign shall be free of any bracing, angle-iron, guy wires, cables or similar devices.
21. The exposed back of the permitted sign visible to the public shall be suitably covered, finished and properly maintained.

22. The permitted sign shall be maintained in good repair, including display surfaces, which shall be kept neatly painted or posted.
23. Any sign which does not conform to the provisions of the Zoning Code shall be made to conform or shall be removed as provided in the Zoning Code.
24. The distance between the faces of the double-faced sign shall not exceed 36 inches.
25. The subject sign shall not be permitted to encroach over public rights-of-way.

Outside Storage

26. All fences and walls shall be of uniform height in relation to the ground upon which they stand, and shall be a minimum of eight feet and shall not exceed 15 feet in height. Where fences or walls exceed a height of 10 feet and are located on street or highway frontages, they shall be set back at least three feet from the property line.
27. All fences and walls, excluding masonry and approved permanent-finish panels, shall be painted a uniform, neutral color, excluding black, which blends with the surrounding terrain, and improvements shall be maintained in a neat, orderly condition at all times.
28. No portion of the wall or fence shall be used for advertising or display purposes except for the name and address of the firm occupying the premises, and such identification sign shall not consist of an aggregate area in excess of 30 square feet.
29. All raw materials, equipment or finished products stored or displayed pursuant to the provisions of the Zoning Code shall not be stored above the height of the fence or wall within 10 feet of said fence or wall and shall be stored in such manner that it cannot be blown from the enclosed storage area.
30. Within sixty (60) days of the approval date of this grant, the permittee shall submit to the Director of Planning for approval three (3) copies of the Revised Exhibit "A" (site plan) similar to that which was presented at the public hearing. The revised plan shall show the correct square footage of the existing building, the existing and proposed landscaping on the property, the location and height of the existing chain-link fence, and also show that the distance between the faces of the double-faced sign will not exceed 36 inches. Revised elevations shall also be submitted showing the elevation of the sign from the street (which must be less than the 42' maximum requirement). The subject property shall be developed and maintained in substantial compliance with the plans marked Exhibit "A." All revised plot plans must be accompanied by the written authorization of the property owner



Los Angeles County
Department of Regional Planning

Planning for the Challenges Ahead



James E. Hartl, AICP
Director of Planning

March 29, 2005

TO: Sorin Alexanian
Hearing Officer

FROM: Pat Hachiya *PH*
Zoning Permits II/Zoning Enforcement I

SUBJECT: CONTINUED HEARING FOR PROJECT NO. R2004-00269,
CONDITIONAL USE PERMIT CASE NO. 200400016

Project No. R2004-00269/Conditional Use Permit (CUP) 200400016 is a request to authorize installation, operation and maintenance of a 14'X48' (672 sq. ft.) double-faced monopole outdoor advertising sign (billboard) for off-site advertising. The 42' tall sign is located at 2408 Rancho Way (Rancho del Amo Place), Rancho Dominguez in the Del Amo Zoned District.

During the public hearing held on February 1, 2005, an adjacent property owner testified in opposition to the proposed billboard. He was concerned that the proposed billboard violated the existing Covenant, Conditions, and Restrictions (CC&R) for the area. Furthermore, he believed that the height of the billboard would detract and conceal signage on his building which neighbored the subject property. The Hearing Officer continued the public hearing to April 5, 2005 to provide the applicant and property owner time to work with the adjacent property owner to determine a resolution to the issues raised in the hearing.

According to the applicant, the discussions have been going slow. Despite having met together several times, the issues have not been resolved. Therefore, the applicant has requested a 60 day continuance to June 21, 2005.



Los Angeles County Department of Regional Planning
320 West Temple Street, Los Angeles, California 90012
Telephone (213) 974-6443

PROJECT No. R2004-00269 - (2)
CONDITIONAL USE PERMIT
200400016

RPC/HO MEETING DATE	CONTINUE TO
AGENDA ITEM	9
PUBLIC HEARING DATE February 1, 2005	

APPLICANT Thompson Media Company	OWNER Algert Properties	REPRESENTATIVE Robert LaGrone
-------------------------------------	----------------------------	----------------------------------

REQUEST <i>Conditional Use Permit:</i> To install, operate and maintain a 14' X 48' double-faced billboard.

LOCATION/ADDRESS 2408 Rancho Way, Rancho Dominguez	ZONED DISTRICT Del Amo
-------------------------------------------------------	---------------------------

ACCESS Access to the property is from Rancho Way	COMMUNITY Rancho Dominguez
-----------------------------------------------------	-------------------------------

	EXISTING ZONING M-2 (Heavy Manufacturing)
--	----------------------------------------------

SIZE 41,630 sq. ft.	EXISTING LAND USE Industrial manufacturing (low truck equipment)	SHAPE Irregular	TOPOGRAPHY Level
------------------------	---------------------------------------------------------------------	--------------------	---------------------

SURROUNDING LAND USES & ZONING North: Industrial warehouse and railroad/M-2	East: Industrial warehouse/M-2
--------------------------------------------------------------------------------	--------------------------------

South: Industrial warehouse/ City of Carson	West: Industrial warehouse, railroad, and industrial manufacturing/ M-2
---------------------------------------------	-------------------------------------------------------------------------

GENERAL PLAN	DESIGNATION	MAXIMUM DENSITY	CONSISTENCY
Countywide	Industrial	N/A	See Staff Report
Community Plan	_____	_____	_____

ENVIRONMENTAL STATUS Categorically Exempt

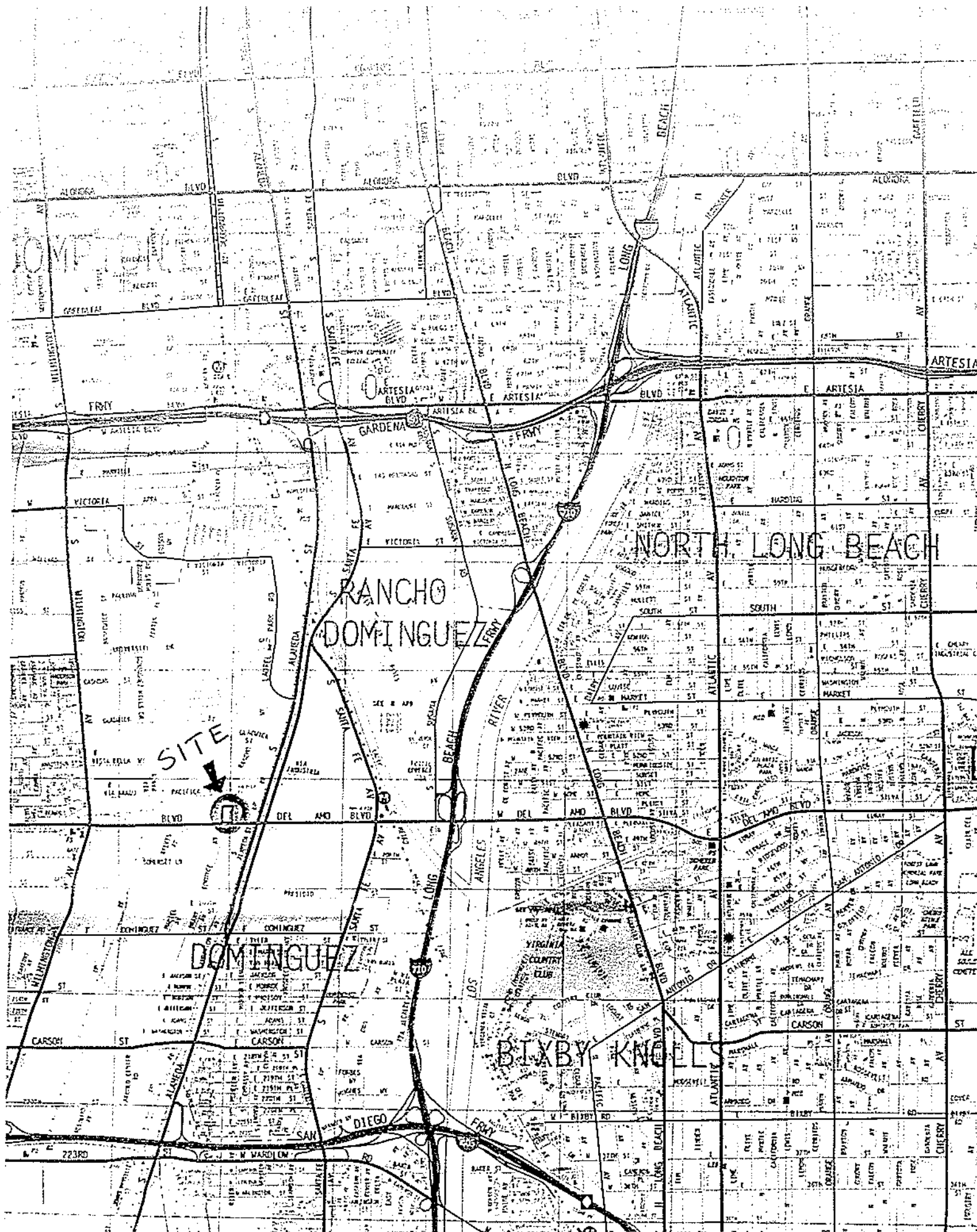
DESCRIPTION OF SITE PLAN The overall site plan shows the existing 41,630 sq. ft. subject site consisting of an existing manufacturing building with a 33-space parking lot surrounding the building. The proposed 14'X48' billboard is located in the southwest corner of the property. The elevations show that the maximum height of the billboard will be 42'.

KEY ISSUES <ul style="list-style-type: none">Satisfaction of Section 22.56.040 of Title 22 of the Los Angeles County Code conditional use permit burden of proof requirements.Satisfaction of Altadena Community Standards District standards. (If more space is required, use opposite side)

TO BE COMPLETED ONLY ON CASES TO BE HEARD BY THE BOARD OF SUPERVISORS

STAFF CONTACT PERSON		
RPC HEARING DATE(S)	RPC ACTION DATE	RPC RECOMMENDATION
MEMBERS VOTING AYE	MEMBERS VOTING NO	MEMBERS ABSTAINING
STAFF RECOMMENDATION (PRIOR TO HEARING)		
SPEAKERS* (O) (F)	PETITIONS (O) (F)	LETTERS (O) (F)

*(O) = Opponents (F) = In Favor



765 A4

PROJECT NUMBER

R2004-00269-(2)

CASE NUMBER

Conditional Use Permit No. 200400016

OVERVIEW OF PROJECT

The applicant, Thompson Media Company, is requesting a Conditional Use Permit to authorize a 14'X48' (672 sq. ft.) double-faced monopole outdoor advertising sign (billboard) for off-site advertising. The 42' tall sign will be oriented for visibility to westbound and eastbound traffic on East Del Amo Blvd.

DESCRIPTION OF SUBJECT PROPERTY

Location

The subject property is located at 2408 Rancho Way (Rancho del Amo Place), Rancho Dominguez in the Del Amo Zoned District. The original address of the property was 2351 East Del Amo Blvd. However, due to a bridge construction and road realignment by the Department of Public Works, the County enlarged the subject parcel and changed the address to 2408 Rancho Way.

Physical Features

The subject site is 41,630 sq. ft. in size, consisting of three parcels held as one, and on level land.

EXISTING ZONING

Subject Property

The subject property is zoned M-2 (Heavy Manufacturing).

Surrounding Properties

Surrounding properties are zoned as follows:

North, East, West: M-2

South: City of Carson

EXISTING LAND USES

Subject Property

There is an industrial manufacturing company that manufactures and installs tow truck equipment on the subject property and also sells the tow trucks.

Surrounding Properties

Surrounding Land Uses within 500' of the subject property consists of the following:

North: Industrial warehouse and railroad

South: Industrial warehouse

East: Industrial warehouse

West: Industrial warehouse, railroad, and industrial manufacturing

PREVIOUS CASES/ZONING HISTORY

There is no history of zoning violations involving the subject property.

Plot Plan 48022 filed as a request to authorize truck repair on the property was denied on 8/22/03 for a lack of activity on the case.

GENERAL PLAN

Land Use Policy Map

The subject property is designated as Major Industrial in the Los Angeles County General Plan. The intent of the "Major Industrial" category is to assure that sufficient land is allocated for a wide range of industrial activities serving both the domestic and export markets and providing jobs for a large portion of the resident labor force. The proposed outdoor advertising sign slightly intensifies the use on an existing industrial manufacturing property but does not entail any new construction. The sign is a use consistent with the goals of the "Major Industrial" land use designation of the General Plan.

SITE PLAN

The overall site plan shows the 41,630 sq. ft. subject site consisting of an existing 9,375 sq. ft. manufacturing building with a 33-space parking lot surrounding the building. The proposed 14'X48' billboard is located in the southwest corner of the property. The elevations show that the maximum height of the billboard will be 42'.

The building permit submitted by the applicant shows that the approved building was 10,112 sq. ft. in size. The site plan will need to be revised to reflect the correct size of the building.

Compliance with Applicable Zoning Standards

Unless specifically modified by a conditional use permit during the discretionary review process, premises in Zone M-2 shall be subject to the following development standards:

- A. Outside Storage/Display. Any property used for the outside storage or display of raw materials, equipment or finished products shall comply with the requirements of Part 7 of Chapter 22.52. Part 7 specifies the following:

Fences and walls. Where a fence or wall is required pursuant to Section 22.52.570 and 22.52.610, it shall be developed as provided herein:

- All fences and walls shall be of uniform height in relation to the ground upon which they stand, and shall be a minimum of eight feet and shall not exceed 15 feet in height. Where fences or walls exceed a height of 10 feet and are located on street or highway frontages, they shall be set back at least three feet from the property line. The area between the fence and the lot line shall be fully landscaped according to the specifications described in Section 22.52.630.

The existing use on the property does maintain outside storage of tow truck equipment, pallets, and tow trucks. Although the applicant's site plan does show that a chain-link fence exists on the property, it does not indicate the height of the fence. A revised site plan will need to be submitted showing the height of the fence. If the fence exceeds 10' in height, additional landscaping may be required.

- All fences and walls open to view from any street or highway or any area in a residential, agricultural or commercial zone shall be constructed of either metallic panels (at least .024 inches thick, painted with a "baked on" enamel or similar permanent finish), masonry, or other materials comparable to the foregoing if approved by the director.

The chain-link fence shown on the site plan is inadequate and will need to be changed to another material as required by the Zoning Code. This requirement shall be added to the conditions of approval.

- All fences and walls, excluding masonry and approved permanent-finish panels, shall be painted a uniform, neutral color, excluding black, which blends with the surrounding terrain, and improvements shall be maintained in a neat, orderly condition at all times.

This requirement shall be added to the conditions of approval.

- No portion of the wall or fence shall be used for advertising or display purposes except for the name and address of the firm occupying the premises, and such identification sign shall not consist of an aggregate area in excess of 30 square feet.

This requirement shall be added to the conditions of approval.

Landscaping. All required fences or walls which are open to view from any street or highway, or any area in a residential, agricultural or commercial zone, shall be provided with at least one square foot of landscaping for each linear foot of such frontage, and said landscaping shall be developed in accordance with a site plan which complies with the following criteria:

- Landscaping shall be distributed along said frontage in accordance with the site plan approved by the director. No planting area shall have a horizontal dimension of less than three feet.

No landscaping is shown along the frontages where the existing chain-link fence is located.

Storage restrictions. All portions of outside storage and display areas shall have adequate grading and drainage and shall be continuously maintained, and all raw materials, equipment or finished products stored or displayed pursuant to the provisions of this Part 7:

- Shall not be stored above the height of the fence or wall within 10 feet of said fence or wall; and
- Shall be stored in such manner that it cannot be blown from the enclosed storage area; and
- Shall not be placed or allowed to remain outside the enclosed storage area.

The proposed site plan does show an area of the property where tow truck are currently stored outside the subject building. Based on staff's site visit, the trucks are within 10 feet of the fence but does not appear to go over the height of the fence. A condition of approval shall be added to ensure that this requirement will be continually complied with.

- B. Parking. Vehicle storage shall be provided as required by Part 11 of Chapter 22.52. In connection with any manufacturing or other industrial use in any zone except Zone SR-D, there shall be provided parking space for all vehicles used directly in the conducting of such use and, in addition, not less than one automobile parking space for each two persons employed or intended to be employed on the shift having the largest number of employees, or each 500 square feet of floor area of the building used for such use, whichever is the larger. If the use is considered a warehouse as defined in Section 22.08.230, one parking space shall be provided for each 1,000 square feet of floor area used for warehousing.

At a ratio of one parking space for every 500 sq. ft. of floor area, the existing 10,112 sq. ft. of building requires 20 parking spaces. A total of 33 parking spaces are shown on the site plans submitted by the applicant and meet the parking requirement.

The total square footage of landscaping is not shown on the site plan. The applicant submitted copies of the building permit showing that the building was constructed in 1969, prior to the 2% landscaping requirement for industrial properties.

- C. Signs shall comply with the provisions of Part 10 of Chapter 22.52. Outdoor advertising signs may be erected and maintained in Zones M-1, M-1½, M-2, M-3, and M-4 provided a conditional use permit has first been obtained and subject to the conditions of use as outlined in Sections 22.52.820 (General Regulations for all signs) and Section 22.52.840 (Outdoor Advertising Signs – Conditions).

The proposed outdoor advertising sign (billboard) complies with the provisions of the Zoning Code regarding this use. The proposed billboard is less than 800 sq. ft. in size (672 sq. ft.) and does not exceed 42' in height. The applicant has determined that there are no other existing billboards within half a mile of the subject property. The proposed sign is freestanding and will not be on a roof or extend over a roof. The sign is not visible to any freeways or scenic highways from a distance of 660 feet. There are no residential zones within 200 feet of the property. There are no sensitive uses within 1,000 ft. of the subject site.

BURDEN OF PROOF

As required by Section 22.56.040 of the Los Angeles County Code, in addition to the information required in the permit application, the applicant shall substantiate to the satisfaction of the Hearing Officer and/or the Commission, the following facts:

- A. That the requested use at the location proposed will not:

1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area; or
 2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
 3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.
- B. That the proposed site is adequate in size and shape to accommodate the yards, wells, fence, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
- C. That the proposed site is adequately served:
1. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and
 2. By other public or private service facilities as are required.

The applicant's Burden of Proof responses are attached to this document. The requested use is in an industrial office park area and there are no residential zones, parks, churches, and schools within 3000 feet. It will provide advertising to businesses in this well-trafficked area which has no existing billboards between Wilmington Ave. and Alameda Street along Del Amo Blvd. The proposed sign will not affect yards, walls, fences, parking or the loading area for the primary industrial building use on the property. It will be located in a ground-cover landscaped area in the southwest corner of the property. It is adequately served by existing streets and will not require and additional improvements to the property.

ENVIRONMENTAL DOCUMENTATION

This project has been determined to be categorically exempt under the environmental reporting procedures and guidelines of the California Environmental Quality Act (CEQA). The industrial building is existing facility and the proposed sign is relatively small. Therefore, the property qualifies for a Class 3, New Construction or Conversion of Small Structures, Categorical Exemption.

FIELD INVESTIGATION

During staff's site visit, staff found tow trucks, pallets and tow truck equipment stored outside the existing building on the property. The trucks, pallets and equipment were stored right next to the existing chain-link fence on the property and were covering up a substantial number of parking spaces on the property. (See pictures) There was no landscaped area next to the chain-link fence as required by the Zoning Code for outside storage/display.

COUNTY DEPARTMENT COMMENTS AND RECOMMENDATIONS

Staff has not received any comments.

LEGAL NOTIFICATION/COMMUNITY OUTREACH

A total of 30 public hearing notices were mailed out to property owners within 500' of the subject property on December 21, 2004 regarding the subject request. The notice was published in The Daily Breeze and La Opinion on December 22, 2004. Case-related material, including the hearing notice, factual and burden of proof were sent on December 21, 2004 to the Victoria Library located at 17906 S. Avalon Blvd., Carson. The property was posted on December 30, 2004, which meets the 30-day posting requirement.

PUBLIC COMMENTS

Staff received one letter of opposition from a nearby property owner opposing the subject billboard request. He was concerned that the installation of the billboard would create an eyesore for the general area which was devoid of any such existing signs. Furthermore, he contended that an existing Covenant, Conditions, and Restrictions (CC&R) contract for the area prohibited billboards such as the one that is proposed.

STAFF EVALUATION

The requested use is consistent with the General Plan and Zoning Code. The proposed use does not involve any additions or expansions to the existing building and does not intensify traffic or parking demand on the property.

However, the existing tow truck manufacturing company is storing tow trucks and associated equipment and materials on site in a manner inconsistent with the requirements of the Zoning Code. Due to the fact that the existing use is located in an industrial area, staff recommends that the landscaping requirements of the Zoning Code be waived. But the applicant should be required to construct a new fence or wall in accordance with Zoning Code requirements for outside storage and will need to submit a revised site plan showing the correct size of the existing building on the property, existing and proposed landscaped areas on the property, and the location and height of the new fence or wall. The applicant shall indicate the type of materials being used for the new wall or fence. In addition, the applicant shall ensure future compliance with all of the conditions of approval, including those with regards to outside storage.

The CC&R restriction prohibiting billboards for the area is considered a private contract between the property owners of the area. Since, this is a civil matter between private parties, the County is not obligated to consider the CC&R's restrictions.

FEES/DEPOSITS

If approved, the following fees will apply unless modified by the Hearing Officer:

Zoning Enforcement

1. Inspection fees of \$1,500.00 to cover the costs of 10 recommended annual zoning enforcement inspections.

STAFF RECOMMENDATION

Staff recommends approval of Project No. R2004-00269-(2), Conditional Use Permit No. 200400016, subject to the attached conditions.

Prepared by Patricia L. Hachiya, Principal Planner
Reviewed by Kerwin Chih, Supervising Regional Planner

Attachments:

Draft Conditions
Burden of Proof
Public Comments
Site Photographs
Site Plan
Land Use Plan

KC:PH 1/24/05

In addition to the information required in the application, the applicant shall substantiate to the satisfaction of the Zoning Board and/or Commission, the following facts:

A. That the requested use at the location proposed will not:

1. Adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, or
2. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site, or
3. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare.

The proposed sign is a standard, familiar billboard design. The structure will have 25 feet of vertical clearance above the property, and its support pole will be placed just outside the fence. It will not block any parking or driving spaces. The sign is located in a busy industrial area with no residential zones, parks, churches, or schools within 3000 feet. It will provide advertising to businesses in this busy area, which has no existing billboards between Wilmington Ave. and Alameda St. along Del Amo Blvd.

B. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this Title 22, or as is otherwise required in order to integrate said use with the uses in the surrounding area.

The proposed sign does not impact yards, walls, fences, parking or loading for the primary use. Sign pole is located in ground-cover landscape area in the SW corner.

C. That the proposed site is adequately served:

1. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and
2. By other public or private service facilities as are required.

The proposed sign does not impact traffic into or out of the property and does not generate new traffic.

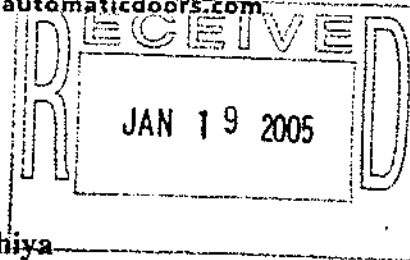


Don La Force Associates, Inc.

January 14, 2005

Hearing Officer
320 West Temple Street
Room 1346
Los Angeles, CA 90012

Automatic Doors
Sales Installation Service
of Automatic Door Equipment
Commercial Industrial Institutional
Ph. 800-944-9495 Fax 800-285-8825
www.automaticdoors.com



Attn: Ms. Pat Hachiya
Re: Project Number R2994-
00269

Dear Officer:

As a property owner near the site of this proposed project, I would like to strongly object to any exemptions or variances that would allow this proposal to move forward.

When I first purchased the property I now own, I was impressed with the appearance of the general area primarily because of the lack of billboards and other eyesores. The cost of buying in this area is certainly inflated because of its attractiveness but is a good investment because of the protection found in the covenants, conditions and restrictions. Diluting or exempting these protections would have serious effects on the values of properties in this industrial park. It would totally contradict Paragraph 2 of the Covenants: "Nature and Purpose of Covenants".

Paragraph 4.05 specifically prohibits billboards such as the one proposed. Sign companies have approached me several times with lucrative proposals similar to this project and I have told them that it was out of the question because of the covenants protecting the value of property in this industrial park. Consideration of this as a Construction or Conversion of a Small Structure is inexplicable.

Please refuse to allow any further progress on this project and the related conditional use permit.

Thank you,

Don La Force

GIS-NET | Los Angeles County Dept. of Regional Planning

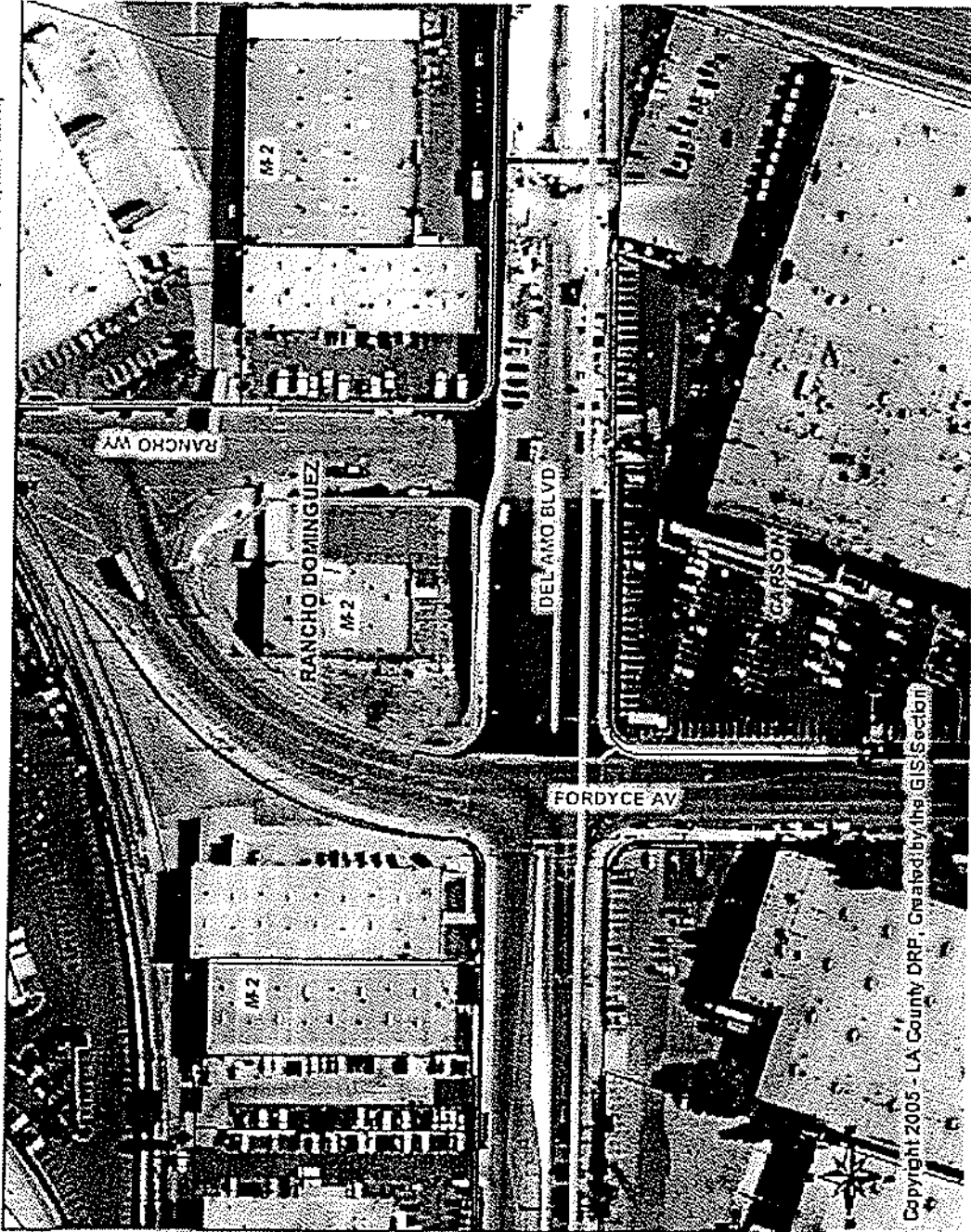
DRP Home | FAQs
Help | Tutorial | Supplemental Maps
Disclaimer | Data Sources & Updates
Version 2.3 - September 2005

Map Tools

zoom in, pan, zoom out, full extent, overlay map

Function Tools

layer, identify all, identify, measure, locate, buffer, parcel, clear selection, print map



Tool: Pan

Map Layers

update map | map legend

Visible | Active | Layers

Land Ownership

- ☒ Parcel Boundary

Roads/Streets

- ☒ Freeway shield
- ☐ Master Plan of Highways
- ☐ Railroad or rapid transit
- ☐ Arterial street
- ☐ Highway
- ☐ Ramp, interchange or feeder
- ☒ Freeway
- ☒ Street network and names

Land Features

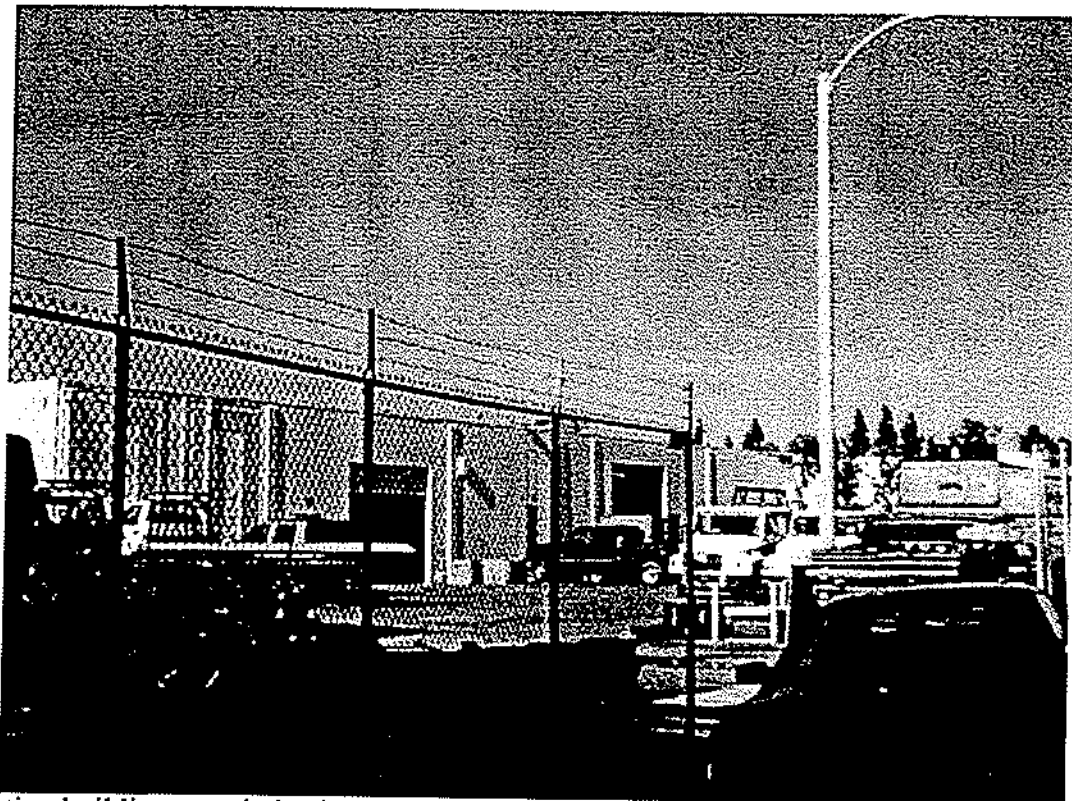
- ☐ Inland Water body
- ☐ River or channel or stream
- ☒ Other County or Ocean

Administrative Layers & Districts

- ☒ Los Angeles County Boundary
- ☒ Community Name (Unincorporated Areas)
- ☐ Census Tract (2000)



Tow truck equipment company signage on chain-link fence



Existing building seen in background. Wood pallets stacked right next to chain-link fence.



Tow trucks parked in parking space and turn-around areas.





Existing building on the property



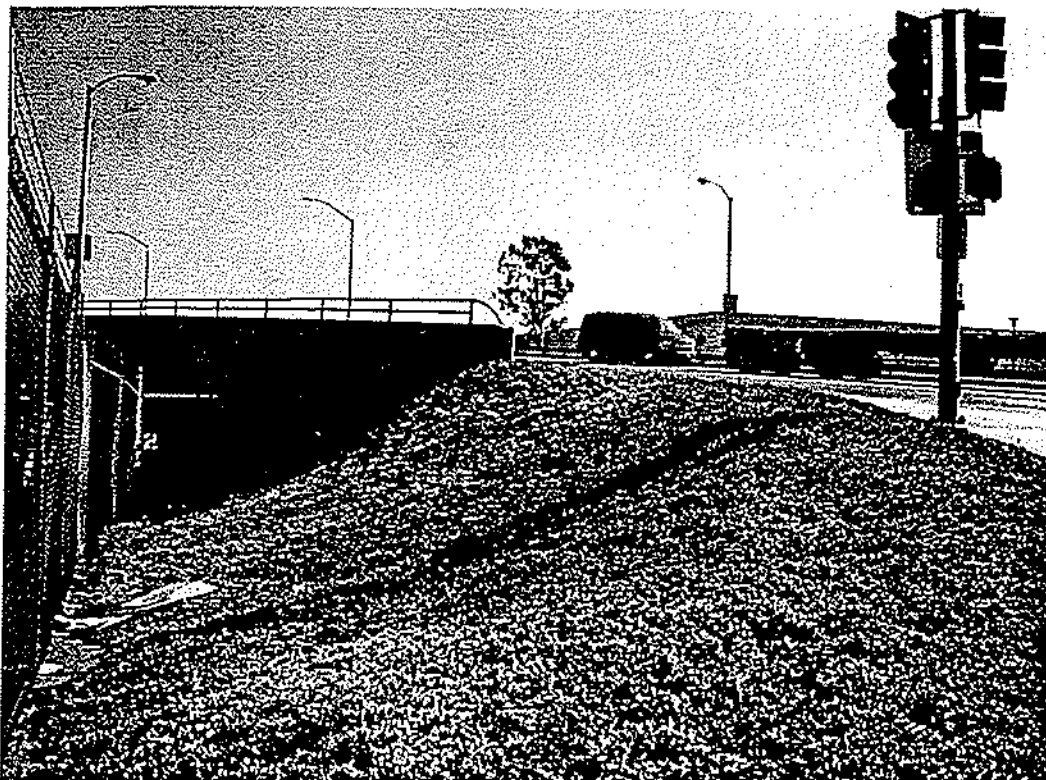
Tow truck equipment on the property



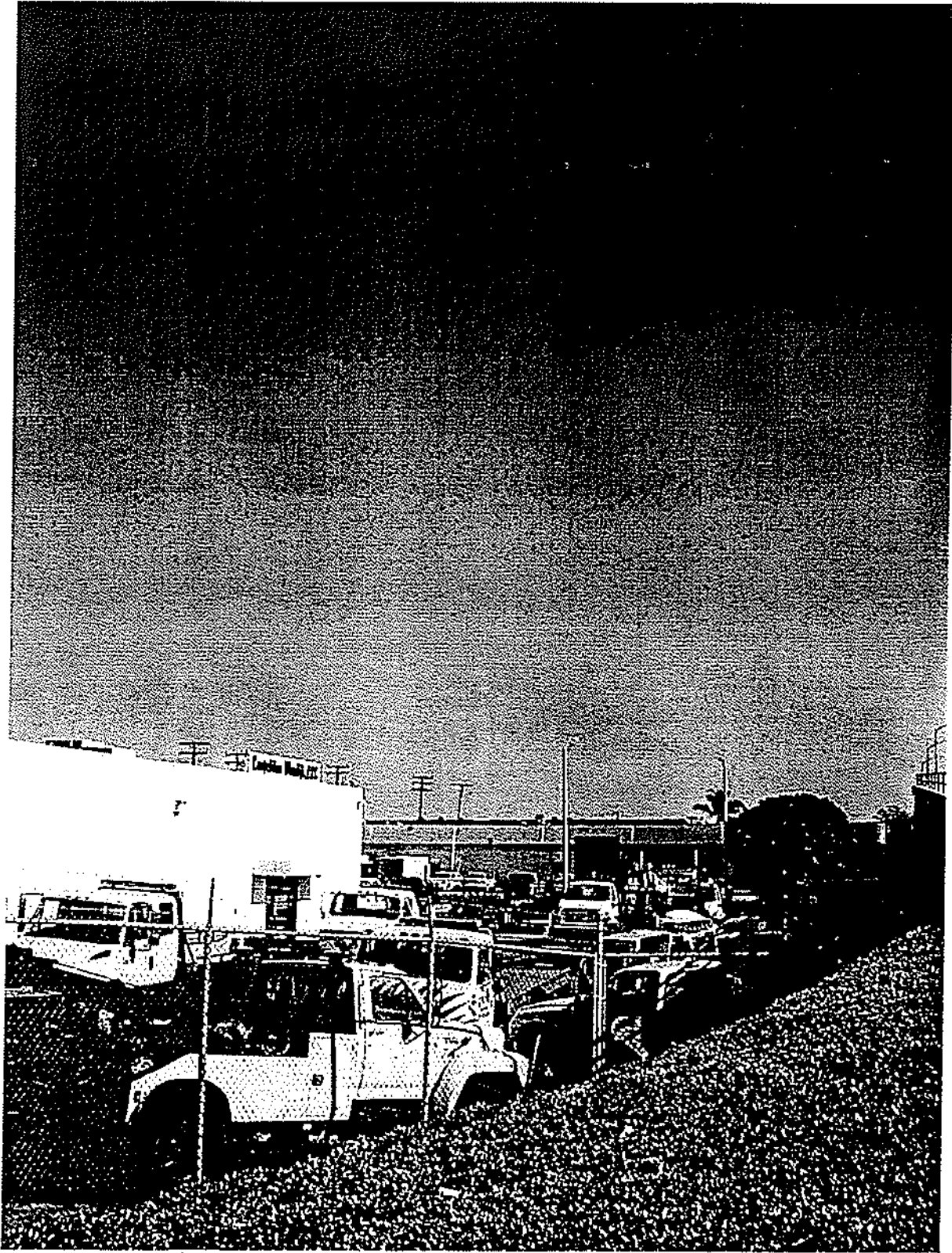
Other tow trucks and equipment stored outside building



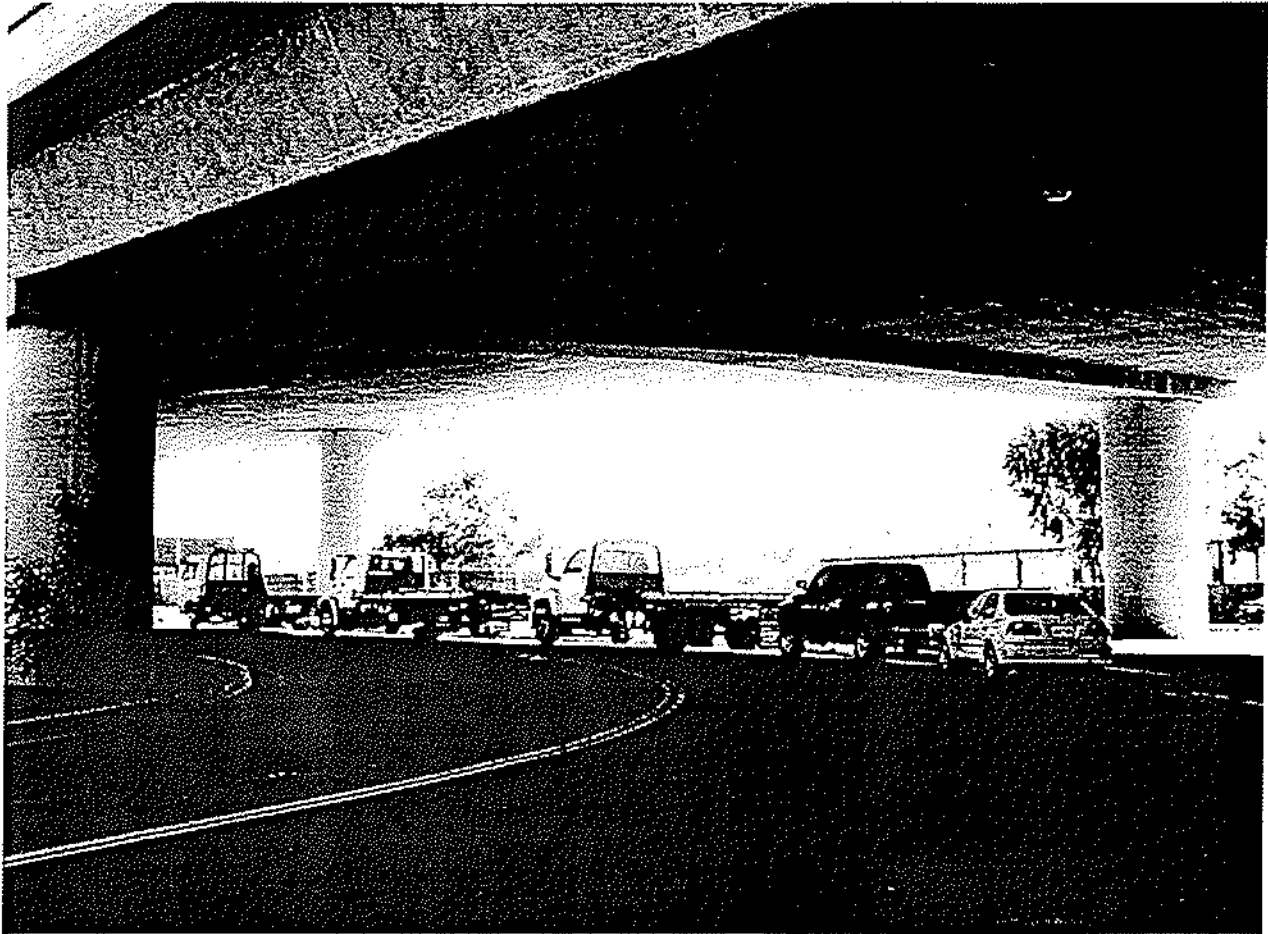
Fencing along Rancho Way



Site for the proposed billboard on the corner of Rancho Way and Del Amo Blvd.



Another picture of site for billboard in relations to other uses on the property.



Tow truck overflow off site